ED 152 900 UD 018 081

TITLE Services and Student Development; Hearings Before the Subcommittee on Elementary, Secondary, and Vocational Education of the Committee on Education and Labor, House of Representatives, Ninety-Fifth Congress, First Session, Part 16.

INSTITUTION Congress of the U.S., Washington, D.C. House Committee on Education and Labor.

PUB DATE 77

NOTE 618p.; Not available in hard copy due to type size

EDRS PRICE MF-$1.16 Plus Postage. HC Not Available from EDRS.

DESCRIPTORS *Compensatory Education; Delinquents; Educational Finance; *Educationally Disadvantaged; Elementary Secondary Education; Equal Education; *Federal Programs; Handicapped Children; *Hearings; Migrant Education; Neglected Children; *Program Effectiveness

IDENTIFIERS *Elementary Secondary Education Act Title I

ABSTRACT

The hearings reported on in this volume address the issue of whether to extend for 5 more years certain elementary, secondary and other educational programs implemented under Title I legislation. While the major part of the document is concerned with services and student development under compensatory education (CE) programs, a brief section is also dedicated to the role of parental organizations in these programs. Material presented includes the proceedings of the hearings and papers, letters, and other documentary evidence introduced by participants. Discussion on funding of Title I programs centers around amounts of money available and the problems regarding equitable distribution of funds among the different states. Figures are presented concerning the scope of Title I and the populations affected by CE. The relationship of CE services to school desegregation, where these two coincide, are examined. Special programs for handicapped, migrant, and neglected or delinquent children are also discussed. A number of specific programs are described. The impact of Title I, pre and post program test scores are introduced as evidence of program effectiveness. (GC)

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PART 16: SERVICES AND STUDENT DEVELOPMENT

HEARINGS
BEFORE THE
SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION
OF THE
COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES
NINETY-FIFTH CONGRESS
FIRST SESSION
ON
H.R. 15
TO EXTEND FOR FIVE YEARS CERTAIN ELEMENTARY, SECONDARY, AND OTHER EDUCATION PROGRAMS

HEARINGS HELD IN WASHINGTON, D.C.
OCTOBER 6, 18, 19, AND 20, 1977

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*

U.S. DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
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PART 16: TITLE I: PARENTAL PARTICIPATION

THURSDAY, OCTOBER 6, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELEMENTARY, SECONDARY,
AND VOCATIONAL EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:45 a.m., in room 2175, Rayburn House Office Building, Hon. Ronald Mottl, presiding.

Members present: Representatives Perkins, Mottl, Le Fante, Heftel, Kildee, Quie, and Pressler.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Mr. MOTTL. The subcommittee will now come to order.

We will have hearings this morning on Title I, ESEA—Parental Participation.

We have a distinguished panel here with us this morning.

Will you all come forward when I introduce you?

We have Ms. Elayne D. Brodie, vice chairlady, National Coalition of ESEA, Title I Parents; Ms. Audrey A. Roedl, vice chairperson, Region V, National Coalition of Title I Parents; Mr. Archie Curry, chairman, District Advisory Council to Title I, Rochester City School District; Ms. Patricia Overberg, chairman, Rhode Island Title I Parent Advisory Council; Dr. Carl L. Marburger, senior associate, National Committee for Citizens in Education; and Mr. Robert Brown, associate director, Southeastern Public Education Project, American Friends Service Committee.

We are very delighted to have such a distinguished panel with us this morning, and all of your statements will be inserted in the record without objection. You may proceed in any fashion you deem wise.

STATEMENTS OF ELAYNE D. BRODIE, VICE CHAIRLADY, NATIONAL COALITION OF ESEA TITLE I PARENTS; AUDREY A. ROEDL, VICE CHAIRPERSON, REGION V, NATIONAL COALITION OF TITLE I PARENTS; ARCHIE CURRY, CHAIRMAN DISTRICT ADVISORY COUNCIL TO TITLE I, ROCHESTER CITY SCHOOL DISTRICT; PATRICIA OVERBERG, CHAIRMAN, RHODE ISLAND TITLE I PARENT ADVISORY COUNCIL; DR. CARL L. MARBURGER, SENIOR ASSOCIATE NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION; AND ROBERT BROWN, ASSOCIATE DIRECTOR, SOUTHEASTERN PUBLIC EDUCATION PROJECT, AMERICAN FRIENDS SERVICE COMMITTEE

Mr. MOTTL. First of all, we will hear from Ms. Elayne D. Brodie, vice chairlady, National Coalition of ESEA Title I Parents.

STATEMENT OF ELAYNE D. BRODIE

[The full statement of Ms. Elayne D. Brodie follows:]

TESTIMONY ON THE REAUTHORIZATION OF E.S.E.A. TITLE I

BEFORE

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION

HONORABLE CARL D. PERKINS, CHAIRMAN

SUBMITTED BY:
ELAYNE D. BRODIE
VICE-CHAIRLADY, NATIONAL COALITION OF E.S.E.A. TITLE I PARENTS
CHAIRLADY, NEW JERSEY STATE-WIDE PARENTS ADVISORY COUNCIL
CHAIRLADY, NEWARK TITLE I CENTRAL PARENTS COUNCIL

OCTOBER 6, 1977

MR. CHAIRMAN AND DISTINGUISHED MEMBERS OF THIS COMMITTEE, I SINCERELY APPRECIATE THE OPPORTUNITY TO BE HERE TODAY. AS VICE CHAIRLADY FOR NEARLY THREE YEARS OF THE NATIONAL COALITION OF E.S.E.A. TITLE I PARENTS, CHAIRLADY OF THE NEW JERSEY STATE WIDE PARENTS ADVISORY COUNCIL, AS EDUCATION COMMITTEE CHAIRLADY FOR THE NEW JERSEY STATE CONFERENCE, N.A.A.C.P., AS CHAIRLADY OF THE NEWARK, NEW JERSEY TITLE I CENTRAL PARENTS COUNCIL, A PARENT, AND AS A TAXPAYER, I AM GRATEFUL FOR THE OPPORTUNITY TO TAKE PART IN WHAT PROMISES TO BE THE GREATEST NATIONAL DEBATE OVER THE FEDERAL APPROACH TO EDUCATING THE DISADVANTAGED SINCE THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) WAS PASSED IN 1965

THE NATION TODAY NEEDS TO MOBILIZE AND EDUCATE AS FULLY AS POSSIBLE THOSE WHOSE TALENTS WILL ENABLE THEM TO BE PROFESSIONAL PEOPLE AND THOSE WHOSE DEVELOPED SKILLS ARE INDISPENSABLE TO OUR HIGHLY MECHANIZED SOCIETY. BUT AN EVEN MORE FUNDAMENTAL NEED IS THE NEED FOR AN ENLIGHTENED, PUBLIC-SPIRITED, AND STABLE ELECTORATE AND, WITHIN EACH STATE AND EACH COMMUNITY, MEN AND WOMEN WHO CAN EXERCISE WISE LEADERSHIP.

WE ALL AGREE THAT EDUCATION HAS CONTRIBUTED SIGNIFICANTLY TO THE PROGRESS OF THE COUNTRY. HOWEVER, EDUCATIONAL CHANGES IN MOST OF OUR STATES HAVE BEEN RELATIVELY UNCOORDINATED AND POORLY PLANNED. THE CONCERN WITH THE GROWTH AND THE FULFILLMENT OF THE CHILD HAS LONG BEEN NEGLECTED AND THERE HAS BEEN A FAILURE TO UTILIZE MANY APPROPRIATE AND EFFECTIVE TECHNIQUES IN ALL LEVELS AND ASPECTS OF EDUCATION.

As in the past, and even today, urban school districts have been starved and neglected financially when one level of government has increased its contribution, other levels in turn have decreased theirs, leaving the urban school behind its more affluent suburban neighbors.

Educators, Teachers, Administrators, Supervisors, and Paraprofessionals are the facilitators of learning. The lay citizens - the concerned taxpayers - recognize that education is an investment in mankind, in society, and in the overall well-being of the nation. And the legislators must recognize that only through adequate planning and funding, can crisis situations be minimized, real progress occur, and appropriate returns on our educational investments be ensured.

REAUTHORIZATION

Title I of the Elementary and Secondary Education Act was signed into law by our late President Lyndon Baines Johnson on April 11, 1965. During its twelve year history, this landmark legislation has led to the development and refinement of compensatory education while never losing sight of the fact that the needs of children are paramount, that is, children are the purpose and reason for the law.

Title I is a catalyst for change in other areas of education. Despite the relatively small proportion of funds allocated, Title I is producing enormous multiplier effects.

Ample evidence now exists which indicates that children in Title I Programs are closing the gaps with other children, or at least they are maintaining their relative position rather than falling behind. Data gleaned from a joint study by the Educational Testing Service and the R.M.C. Corporation published in 1976 indicates that Title I is not only halting the decline in reading achievement levels of educationally disadvantaged children, but also is improving their reading skills at a faster rate than students without special assistance.

Research published by the Educational Policy Institute in 1976 on *Patterns In Reading Achievement Among Title I Children as reported in* state evaluation reports points out that children in Title I programs make an average gain of one year and one month per school year.

The General Accounting Office's study of reading achievement among Title I students indicated that 40 percent of the children surveyed were achieving a year or more of progress in reading for a year in school.

According to the FY 1976-1977 evaluation of Newark's Title I Program, every grade, primary through secondary, met or surpassed the anticipated growth. The 1976-1977 results fit the pattern of increased growth revealed each successive year in the Title I Program since the 1972-1973 program. Taking all pupils for whom growth could be measured each year, the increase in grade mean equivalent across the program has been as follows:

1972-73	0.529 GE Growth
1973-74	0.532 GE Growth
1974-75	0.564 GE Growth
1975-76	0.604 GE Growth
1976-77	0.696 GE Growth

In addition, the Newark Title I Program emphasis on the lower primary grades has contributed to the increased number of pupils in the district demonstrating reading test scores which place them above or at the proper national norm score. A case in point is shown by the fact that the number of grade 1 pupils reading at or above the national norm has increased each suceeding year from 1973 to the present.

Year	% Above Or At Norm
1973	31%
1974	50%
1975	54%
1976	57%
1977	60%

The *New Jersey Title I Evaluation* for FY 1976 indicates that a majority of the districts reported observed differences between post-

TEST READING SCORES AND PRE-TEST READING SCORES OF AT LEAST 7.0 MONTHS, AND IN MANY CASES FOR MORE THAN TEN MONTHS. AN ANALYSIS OF THE DATA BY GRADE LEVEL FURTHER INDICATES THE PERCENTAGE OF DISTRICTS REPORTING OBSERVED DIFFERENCES BETWEEN THE PRE AND POST-TEST SCORES OF MORE THAN 7.0 MONTHS AND ABOVE, AND 10.1 MONTHS AND ABOVE (SEE TABLE 1).

TABLE 1

GRADE	PERCENTAGE OF DISTRICTS REPORTING OBSERVED DIFFERENCES BETWEEN POST-TEST READING SCORES AND PRE-TEST READING SCORES OF 7.0 MONTHS AND ABOVE	PERCENTAGE OF DISTRICTS REPORTING OBSERVED DIFFERENCES BETWEEN POST-TEST READING SCORES AND PRE-TEST READING SCORES OF 10.1 MONTHS AND ABOVE
1	72%	33%
2	76%	38%
3	84%	38%
4	76%	39%
5	80%	48%
6	77%	44%

THE ACHIEVEMENT RESULTS SUMMARIZED IN TABLE 1 SHOW THAT AN OVERWHELMING MAJORITY OF DISTRICTS REPORTED POST-TEST MINUS PRE-TEST DIFFERENCES OF 7.0 MONTHS, AND A RESPECTABLE PERCENTAGE OF DISTRICTS SHOW POST MINUS PRE DIFFERENCES OF 10.1 MONTHS AND MORE.

TITLE I REPRESENTS THREE TO FOUR PERCENT OF THE TOTAL NATIONAL EXPENDITURE FOR ELEMENTARY AND SECONDARY EDUCATION, LESS THAN TWO PERCENT OF THE TOTAL EDUCATION BUDGET FOR THE STATE OF NEW JERSEY, AND SEVEN PERCENT OF THE TOTAL BUDGET FOR THE NEWARK BOARD OF EDUCATION. THE ABOVE INFORMATION INDICATES THAT THIS SMALL PERCENTAGE IS MAKING A significant difference in raising the basic skills achievement levels of educationally disadvantaged children.

Based upon Title I's proven track record, We, Therefore, Recommend that Title I of the E.S.E.A. be continued for five additional years through 1983 as proposed by Congressman Carl Perkins in H.R. 15.

FUNDING LEVELS

When the Elementary and Secondary Education Act was implemented in 1965, annual expenditures were expected to reach $5 billion by 1969. Although it could be said that some officials were overly optimistic, the FY 1977 authorization was only $2.285 billion. This is especially modest when compared to the Administration's request for a budget with outlays reaching $440 billion for FY 1978, and outlays for the Department of Defense totaling $124.3 billion.

The E.S.E.A. has recieved less that $1.7 billion a year and it didn't pass the $2 billion mark until 1975. With public school operating budgets totaling over $66 billion, Title I represents only a three percent expenditure.

Approximately seventy-five percent of the nation's school districts receive less than three percent of their budgets from the E.S.E.A. and in only eleven percent of the districts does the act contribute more than seven percent of total school budgets.

According to the United States Office of Education, in 1968 the Title I Program served approximately 7.6 million children at an average level of $378 per child. In fiscal 1977 only 5.2 million children received assistance at the same average service level. This is a result of a decrease of 30 percent in real spending for elementary and secondary programs.

THE EDUCATION AMENDMENTS OF 1974 AUTHORIZED $4.373 BILLION FOR TITLE I AND THE OFFICE OF EDUCATION ESTIMATES THAT IF TITLE I HAD BEEN FULLY FUNDED, THE AUTHORIZATION LEVEL WOULD REACH $4.6 BILLION. CURRENT ESTIMATES INDICATE THAT NATIONALLY ONLY 57 PERCENT OF THE CHILDREN ELIGIBLE FOR TITLE I ACTUALLY RECEIVE ASSISTANCE. IN NEW JERSEY ONLY FORTY-FOUR PERCENT OF THE CHILDREN ELIGIBLE FOR PARTICIPATION IN FY 1976 RECEIVED ASSISTANCE, LEAVING ONE HUNDRED TWENTY-FIVE THOUSAND SIX HUNDRED SEVENTY-FOUR CHILDREN WITHOUT SERVICES. ACCORDING TO THE NEEDS ASSESSMENT FOR NEWARK'S FY 1977-1978 TITLE I PROGRAM, FIFTY-SIX PERCENT OF THE CHILDREN ELIGIBLE FOR PARTICIPATION WILL BE ABLE TO RECEIVE ASSISTANCE, LEAVING FOURTEEN THOUSAND TWO HUNDRED FIFTY-TWO CHILDREN WITHOUT SERVICES.

INFLATIONARY TRENDS ARE CONTINUALLY DRIVING UP THE COST OF PROVIDING ADEQUATE EDUCATIONAL SERVICES AND EVEN WITH THE RECENTLY APPROVED INCREASES IN THE LABOR - HEW APPROPRIATIONS NEARLY 5 MILLION CHILDREN IN NEED OF ASSISTANCE WILL BE REJECTED.

WE, THEREFORE, RECOMMEND THAT TITLE I BE FULLY FUNDED IN ORDER THAT ALL ELIGIBLE CHILDREN CAN RECEIVE ASSISTANCE.

RETENTION OF CATEGORICAL RESTRAINTS

WE SUPPORT THE CONCEPT OF CATEGORICAL GRANTS AND BELIEVE THAT TITLE I SHOULD AND MUST CONTINUE IN THIS VEIN. IN THE EDUCATIONAL SECTOR, BLOCK GRANTS WOULD BE EXTREMELY DIVISIVE. CATEGORICAL GRANTS WERE DEEMED NECESSARY BECAUSE OF LOCAL AND STATE INDIFFERENCE TO THE NEEDS OF URBAN COMMUNITIES, THE POOR AND THE MINORITIES AND, IN ADDITION, A LACK OF INCENTIVE FOR ACADEMIC INNOVATION. UNFORTUNATELY, THESE CONDITIONS STILL PREVAIL.

IRRESPECTIVE OF THE AFOREMENTIONED CONDITIONS, BLOCK GRANTS ARE CERTAIN TO CREATE BROAD DIVISIONS AND INTERNAL STRUGGLES WITHIN THE STATES OVER WHICH PROGRAMS ARE GOING TO BE FUNDED. THESE HARD CHOICES SHOULD BE MADE BY CONGRESS TO ENSURE THAT THE ACADEMIC PROGRAMS IT FEELS SHOULD BE CONTINUED ARE NOT DOWNGRADED AT THE STATE LEVEL FOR OTHER THAN EDUCATIONAL CONSIDERATIONS.

THERE ARE MANY INDIVIDUALS, WHO FOR POLITICAL REASONS AND OTHERWISE, WOULD LIKE TO SEE MASSIVELY INCREASED FEDERAL AID FOR EDUCATION WITHOUT THE "CATEGORICAL STRINGS". THE NATIONAL INTEREST IN EDUCATION CAN BE SERVED ONLY IF THE NATIONAL GOVERNMENT IMPOSES CATEGORICAL RESTRAINTS UPON THE USE OF FEDERAL MONEY FOR THE FOLLOWING ADDITIONAL REASONS: FIRST, TO ENSURE THAT THE MONEY IS BEING SPENT ACCORDING TO THE LEGISLATIVE INTENT. SECONDLY, MONEY SPENT MUST BE ACCOUNTED FOR ACCORDING TO PRESCRIBED STANDARDS IN ORDER TO AVOID WASTE AND MALFEASANCE. WITHOUT SUCH DIRECT CONTROLS, NO EFFECTIVE PUBLIC ACCOUNTABILITY COULD POSSIBLY BE MAINTAINED. BUREAUCRATIC RED-TAPE MAY BE MODIFIED AND SIMPLIFIED, BUT IT CANNOT BE ABOLISHED.

FINALLY, WHILE FEDERAL MONEY AND INFLUENCE MAY BE WELCOMED ON OCCASION, THEY ARE OFTEN RESENTED. MOST STATE AND LOCAL EDUCATIONAL AUTHORITIES WOULD FAR PREFER TO RECEIVE GENERAL AID IN THE FORM OF BLOCK GRANTS THAT WOULD ALLOW THEM TO DETERMINE EDUCATIONAL PRIORITIES. THIS AID WOULD INVOLVE NO CATEGORICAL INDUCEMENT, NO MANDATES, NO GUIDELINES, NO FEDERALLY SPONSORED SYSTEMS OF EVALUATION AND REPORTING. EACH SCHOOL DISTRICT WOULD HAVE ADDITIONAL, UNEARMARKED RESOURCES WITH WHICH TO WORK, AND WITH STATE AND LOCAL AUTHORITIES INEVITABLY MAKING DECISIONS IN TERMS OF THE VARIOUS SOCIAL AND POLITICAL PRESSURES AROUND THEM, THIS WOULD REALLY BE THROWING VAST SUMS OF MONEY INTO A "POLITICAL PIT".

WE, THEREFORE, RECOMMEND THAT TITLE I E.S.E.A. CONTINUE AS A CATEGORICAL GRANT PROGRAM.

FUNDS ALLOCATION

WHEN TITLE I WAS ORIGINALLY ENACTED IN 1965, ITS PRIMARY PURPOSE WAS TO GIVE SPECIAL AND LONG NEEDED ATTENTION TO THE EDUCATION OF THE CHILDREN OF THE POOR, WHO NEED THE BEST OUR SCHOOLS CAN GIVE, AND WHO USUALLY RECEIVE THE WORST. THIS LEGISLATION WAS A COMMITMENT TO END THE PARALYSIS THAT POVERTY BREEDS, A PARALYSIS THAT IS CHRONIC AND CONTAGIOUS AND RUNS ON FROM GENERATION TO GENERATION.

THIS CONCEPT IS CLEARLY ESTABLISHED IN SECTION 101 OF TITLE I OF THE ACT, ENTITLED "DECLARATION OF POLICY", WHICH IS A STATEMENT OF THE PROGRAM'S FUNDING OBJECTIVES.

BECAUSE OF THE INCREASINGLY DIFFICULT PROBLEM OF "MUNICIPAL OVERBURDEN" FACED BY NEARLY EVERY URBAN AREA AND THE CONCOMITANT PROBLEM THEY ALL FACE IN FUNDING ADEQUATE EDUCATIONAL PROGRAMS, IT IS EXTREMELY IMPORTANT THAT FINANCIAL ASSISTANCE BE PROVIDED TO SCHOOL DISTRICTS ON THE NUMBER OF LOW-INCOME FAMILIES RESIDING IN THE DISTRICT.

THE ALLOCATION OF FUNDS BASED ON ACHIEVEMENT TEST SCORES IS NOT AT ALL CONSISTENT WITH THE ORIGINAL AND RECURRING INTENT OF CONGRESS FROM 1965 TO 1975. FURTHERMORE, THERE IS INSUFFICIENT EVIDENCE WHICH SUPPORTS THE EFFECTIVENESS OF UTILIZING EDUCATIONAL NEED AS A FORMULA BASE FOR DISTRIBUTION. THE UTILIZATION OF THIS METHOD WOULD ONLY RESULT IN SPREADING THE RESOURCES FROM AN UNDERFUNDED PROGRAM TO A LARGE GROUP OF LOW-ACHIEVING CHILDREN REGARDLESS OF THE LOCATION OF THEIR SCHOOL DISTRICT AND REGARDLESS OF THE FINANCIAL RESOURCES THAT SUCH A SCHOOL DISTRICT ALREADY POSESSES TO SUPPORT EDUCATIONAL SERVICES.

ALSO, THE ASSUMPTION THAT THE TESTING OF A REPRESENTATIVE SAMPLE OF SEVEN YEAR OLDS WITH CRITERION-REFERENCE TESTS WOULD BE SUFFICIENT TO DETERMINE A SCHOOL DISTRICT'S ALLOCATION WOULD BRING UNUSUALLY HEAVY PRESSURE FOR SCHOOL DISTRICTS TO CREATE NEGATIVE INCENTIVES TO ENHANCE FUTURE FUNDING. THE USE OF CRITERION-REFERENCE TESTS PRESENTS MANY OTHER SERIOUS PROBLEMS. FIRST, THE DEVELOPMENT AND IMPLEMENTATION OF THESE TESTS AT THE NATIONAL AND/OR STATE LEVEL WOULD INVOLVE AN ENORMOUS COST. AND AS WITH STANDARDIZED TESTS, A NATIONALLY OR STATE DEVELOPED CRITERION-REFERENCE TEST WOULD NOT REFLECT CURRICULAR EMPHASES IN DIVERSE U.S. SCHOOL SYSTEMS. FINALLY, WHILE CRITERION-REFERENCE TESTS MIGHT BE HELPFUL FOR INSTRUCTIONAL PURPOSES, THEIR RELIABILITY HASN'T BEEN SUFFICIENTLY ESTABLISHED TO USE THEM FOR EVALUATION.

WE, THEREFORE, RECOMMEND THAT THE DISTRIBUTION OF TITLE I FUNDS BE BASED UPON A POVERTY MEASURE AND THEN UTILIZED WITHIN EACH ELIGIBLE ATTENDANCE AREA ON THE BASIS OF HIGHEST EDUCATIONAL NEED.

PARENT INVOLVEMENT

THE EDUCATION AMENDMENTS OF 1974 STRENGTHENED AND EXPANDED THE CONCEPT OF PARENTAL INVOLVEMENT BY MANDATING PARENT ADVISORY COUNCILS AT BOTH THE SCHOOL AND DISTRICT LEVEL TO PROVIDE VIABLE INPUT WITH REGARDS TO THE PLANNING, IMPLEMENTATION, AND EVALUATION OF TITLE I PROGRAMS. INFORMATION AVAILABLE ON SUCCESSFUL TITLE I PROGRAMS INDICATES THAT ONE OF THE KEY ELEMENTS FOUND IS PARENTAL INVOLVEMENT.

THE CONCEPT OF PARENT COUNCILS IN THE NEWARK SCHOOL DISTRICT WAS INITIATED IN 1967 AND HAS CONTINUED TO EXPAND EACH YEAR. MEMBERS OF THE LOCAL PARENT COUNCIL PARTICIPATE IN ALL FACETS OF THEIR SCHOOL'S TITLE I PROGRAM. THE TITLE I SCHOOLS ARE FURTHER ORGANIZED INTO FIVE GROUPS, EACH GROUP ENCOMPASSING A DIFFERENT AREA OF THE SCHOOL DISTRICT. THIS STRUCTURE PROVIDES THE PARENTS AN OPPORTUNITY TO DISCUSS AND SOLVE PROBLEMS WHICH ARE OF MUTUAL CONCERN AND SPECIFIC TO THEIR PARTICULAR GEOGRAPHIC AREA OF THE SCHOOL DISTRICT. RECOMMENDATIONS FROM THE GROUP PARENT COUNCIL MEETING ARE TRANSMITTED TO THE LOCAL SCHOOL'S PARENT COUNCIL BY THE RESPECTIVE REPRESENTATIVES AND ALSO BROUGHT TO THE ATTENTION OF THE DISTRICT-WIDE CENTRAL PARENTS COUNCIL.

THE EVALUATION OF NEWARK'S TITLE I PROGRAM FOR THE 1976-1977 SCHOOL YEAR INDICATED THAT THE INVOLVEMENT OF PARENTS WAS AN EXTREMELY IMPORTANT FACTOR IN THE OPERATION AND SUCCESS OF THE PROGRAM. THIS INVOLVEMENT WAS EXEMPLIFIED BY THE ATTENDANCE OF MORE THAN 4,000 PARENTS AT OUR 1977 DISTRICT-WIDE PARENTS CONFERENCE.

IN ORDER TO FURTHER FACILITATE THE PLANNING AND MONITORING OF TITLE I PROGRAMS AT THE STATE LEVEL, STATE PARENT ADVISORY COUNCILS SHOULD BE MANDATED FOR THE FOLLOWING REASONS:

- To provide a state-wide parent organization that will become a liaison for local parent councils to solidify their effectiveness and to amplify the importance of their role.
- To provide a mechanism for individual parents and parent groups to become more effective in the decision-making process on the Local, State and Federal levels through training in management and leadership skills.
- To provide a mechanism that will allow for the discussion and amelioration of parent council problems at the Local Level.
- To establish an organization, representative of Title I parents across the state, to rally the need for and continuation of Federal, State, and Local support of educational programs for Educationally Disadvantaged Children.
- To become involved in the state-level policy decisions whereever possible (i.e., policies relative to E.S.E.A. Title I, review and interpretation of federal regulations and state policies, etc.).
- To provide leadership and technical assistance to individual parents and parent councils throughout the state
- To participate in Title I area-wide and state-wide training programs, workshops and conferences.
- To establish a communication network between the state-wide council and all local councils.

We, Therefore, Recommend the continuation of mandated Parent Advisory Councils at both the school and district-wide level with stronger legislation which will enable these councils to fulfill their mandated obligations.

WE FURTHER RECOMMEND that State Parent Advisory Councils be mandated, and that the membership be elected by eligible Title I parents and consist of a majority of the parents of the children to be served.

The Division Of Education For The Disadvantaged

With the present organizational structure at the United States Office of Education, The Division of Education For The Disadvantaged is one of eight divisions of the Bureau of Schools. Title I represents one-third of the Office of Education's budget, but it only employs two percent of the personnel that administers the program.

In addition, under the present system the D.E.D. is four layers away from the Commissioner of Education, thereby resulting in a considerable amount of "red tape" which is seriously crippling the overall effectiveness of the program.

The D.E.D. is an extremely important and key component in the Office of Education. It administers a substantial portion of O E's budget and has the overall responsibility for administering programs in approximately 14,000 school districts or ninety percent of the national total. However, due to budget reductions, travel for monitoring and technical assistance has been seriously curtailed.

We, Therefore, Recommend that the Director of the Division of Education for The Disadvantaged report directly to the Commissioner of Education.

We Further Recommend that the Commissioner of Education provide The Division of Education for the Disadvantaged with a more adequate staff and budget commensurate with the size of the program it administers so that more effective monitoring and technical assistance can be provided at the state and local level.

Thank You

Ms. BRODIE. Good morning.

Words cannot express adequately my appreciation and honor you have conferred upon me to address the testimony on the reauthorization of the ESEA Title I.

Mr. Chairman and distinguished members of this committee; I sincerely appreciate the opportunity to be here today.

As vice chairlady of the National Coalition of ESEA Title I Parents, chairlady of the New Jersey State-Wide Parents Advisory Council, as chairlady of the Newark, New Jersey Title I Central Parents Council, a parent and as a taxpayer, I am grateful for the opportunity to take part in these congressional hearings.

I will summarize my statement, but respectfully request that my full statement be included in the official record.

REAUTHORIZATION

There now exists sufficient documentation which indicates that Title I has been successful. A joint study by the Educational Testing Service and the RMC Corporation published in 1976 revealed that Title I is not only halting the decline in reading achievement levels of educationally disadvantaged children, but also is improving their reading skills at a faster rate than students without special assistance.

Research published by the Educational Policy Institute in 1976 on "Patterns in Reading Achievement Among Title I Children" as reported in State evaluation reports points out that children in Title I programs make an average gain of one year and one month per school year.

The GAO's study of reading achievement among Title I students in 1976 indicated that 40 percent of the children surveyed were achieving a year or more of progress in reading for a year in school.

According to the FY 1976-1977 evaluation of Newark's Title I program, every grade, primary through secondary, met or surpassed the anticipated growth.

Taking all pupils for whom growth could be measured for 1972-1972, the grade mean equivalent was a little over five months for every ten months in the program. In 1976-1977 the same figure was just under seven months for every ten months in the program.

The Newark Title I program emphasis on the lower primary grades has contributed to the increased number of pupils in the district demonstrating reading scores which place them at or above the proper national norm score. A case in point is shown by the fact that the number of grade 1 pupils reading at or above the national norm increased from 31 percent in 1973 to 60 percent in 1977.

The New Jersey Title I evaluation for FY 1976 reports that an overwhelming majority of districts reported post-test minus pre-test differences of over seven months and a respectable percentage of districts show post minus pre differences of ten months and more.

Based upon Title I's proven track record, we, therefore, recommend that Title I of the ESEA be continued for five additional years as proposed by Congressman Carl Perkins in H.R. 15.

FUNDING LEVELS

When the Elementary and Secondary Education Act was implemented in 1965, annual expenditures were expected to reach $5 billion by 1969. Although it could be said that some officials were overly optimistic, the FY 1977 authorization was only $2.285 billion. This is especially modest when compared to the Administration's request for a budget with outlays reaching $440 billion for FY 1978, and outlays for the Department of Defense totaling $124.3 billion.

The ESEA has received less than $1.7 billion a year and it didn't pass the $2 billion mark until 1975. With public school operating budgets totaling over $66 billion, Title I represents only a three percent expenditure.

Approximately 75 percent of the nation's school districts receive less than three pecent of their budgets from the ESEA and in only 11 percent of the districts does the Act contribute more than seven percent of total school budgets.

According to the United States Office of Education, in 1968 the Title I program served approximately 7.6 million children at an average level of $378 per child. In fiscal 1977 only 5.2 million children received assistance at the same average service level. This is a result of a decrease of 30 percent in real spending for elementary and secondary programs.

The Education Amendments of 1974 authorized $4.373 billion for Title I and the Office of Education estimates that if Title I had been fully funded, the authorization level would reach $4.6 billion. Current estimates indicate that nationally only 57 percent of the children eligibile for Title I actually receive assistance.

In New Jersey only 44 percent of the children eligible for participation in FY 1976 received assistance, leaving 125,674 children without services. According to the needs assessment for Newark's FY 1977-1978 Title I program, 56 percent of the children eligible for participation will be able to receive assistance, leaving 14,252 children without services.

Inflationary trends are continually driving up the cost of providing adequate educational services and even with the recently approved increases in the Labor—HEW appropriations nearly five million children in need of assistance will be rejected.

We, therefore, recommend that Title I be fully funded in order that all eligible children can receive assistance.

FUNDS ALLOCATION

When Title I was originally enacted in 1965, its primary purpose was to give special and long needed attention to the education of the children of the poor, who need the best our schools can give, and who usually receive the worst. This legislation was a commitment to end the paralysis that poverty breeds, a paralysis that is chronic and contagious and runs on from generation to generation.

This concept is cleary established in Section 101 of Title I of the Act, entitled "Declaration of Policy," which is a statement of the program's funding objectives.

Because of the increasingly difficult problem of "municipal overburden" faced by nearly every urban area and the concomitant problem they all face in funding adequate educational programs, it is extremely important that financial assistance be provided to school districts on the number of low-income families residing in the district.

The allocation of funds based on achievement test scores is not at all consistent with the original and recurring intent of Congress from 1965 to 1975. Furthermore, there is insufficient evidence which supports the effectiveness of utilizing educational need as a formula base for distribution. The utilization of this method would only result in spreading the resources from an underfunded program to a large group of low-achieving children regardless of the location of their school district and regardless of the financial resources that such a school district already possesses to support educational services.

We, therefore, recommend that the distribution of Title I funds be based upon a poverty measure and then utilized within each eligible attendance area on the basis of highest educational need.

RETENTION OF CATEGORICAL RESTRAINTS

We support the concept of categorical grants and believe that Title I should and must continue in this vein. In the educational sector, block grants would be extremely divisive. Categorical grants were deemed necessary because of local and State indifference to the needs of urban communities, the poor and the minorities and, in addition, a lack of incentive for academic innovation. Unfortunately, these conditions still prevail.

Irrespective of the aforementioned conditions, block grants are certain to create broad divisions and internal struggles within the States over which programs are going to be funded. These hard choices should be made by Congress to insure that the academic programs it feels should be continued are not downgraded at the State level for other than educational considerations.

There are many individuals, who for political reasons and otherwise, would like to see massively increased Federal aid for education without the "categorical strings." The national interest in education can be served only if the national government imposes categorical restraints upon the use of Federal money for the following additional reasons:

First, to insure that the money is being spent according to the legislative intent.

Secondly, money spent must be accounted for according to prescribed standards in order to avoid waste and malfeasance.

Without such direct controls, no effective public accountability could possibly be maintained. Bureaucratic red tape may be modified and simplified, but it cannot be abolished.

Chairman PERKINS. Let me interrupt you just a moment.

Congressman Quie and I are going to have to go to the floor, but we are going to hear this panel. We will get back and forth to hear you. I want to give you that assurance. I will see that you are heard today. As I understand it, all of you serve on Title I parent councils back in your local school districts, and you are all in town for a national convention this week.

I can assure you that this committee, with the wholehearted cooperation of Congressman Quie, wants to enact the best educational program possible and improve the present Title I program in every way possible. We are thankful for your appearance here in the city this morning. Naturally you will be of invaluable assistance to the committee, as parents who know firsthand about the weaknesses and strengths of the present Title I programs.

If Congressman Quie has anything that he wants to say at this time, I will call on him.

Mr. Quie. Thank you, Mr. Chairman.

First, I want to especially welcome Ms. Roedl from St. Paul for coming here. I appreciate all the help you have given, but I say to all of you, that I really believe strongly in the parent advisory committees. I have been a strong advocate for a long period of time of such committees. I guess I was the one who offered the amendments to make sure there was a parent advisory committee in every school because I believe that parents are such a necessary ingredient to the development of the child that I can't understand educators who don't.

Also, what you express about the progress your children are making really pleases me too. It surely makes me feel that this program is worthwhile, and we should continue this categorical approach, to make this certain for those who are educationally disadvantaged.

I just want to leave one thought with you, not in any way to challenge your statements but just to mull over, and then perhaps we could talk about it at some time, in the sense that we are both Minnesotans. I would like you to think about Decima study findings on the number of children who are underachievers. Thirty three percent of them are poor, and 67 percent are not poor. This is one of the things that bothers me.

The second part of the Decima study indicated that 52 percent of those receiving Title I and other compensatory education programs are regular achievers, and 48 percent are low achievers. That bothers me, not because those students are receiving Title I help, because I believe every student ought to be helped in every way that they can be in order that they may achieve their fullest potential, but rather what bothers me, if we do have a limited amount of money, how do we divide the money?

I believe that the poor, low achiever should have the highest priority, but my feeling is that the nonpoor, low achiever ought to be second in priority rather than the poor student who is a regular achiever.

I just wanted to throw this thought out to you so you can know what bothers me, and what I want to struggle with in approving legislation, to improve the Elementary and Secondary Education Act so it reaches the students who need it.

As far as I am concerned, we ought to help every student who needs help as they need it when they need it. I am willing to back not only the authorization but the appropriations to get that job done.

Chairman Perkins. Thank you, Mr. Quie. You have made a great contribution to this committee, to all of education—elementary, secondary, and higher.

Mr. Quie. Maybe we ought to say there is a vote on the labor reform bill that we hope to finish today.

Chairman **Perkins**. Mr. Kildee will be here, and if he is not here, I will be back here myself.

Go ahead, Mr. Kildee.

Mr. **Kildee**. Thank you, Mr. Chairman.

I, too, consider this a very important category in our Federal aid to education, and will certainly continue to support it. As a member of the Michigan Legislature for 12 years, I supported a similar program we have in Michigan called Chapter 3, to assist the same type of students we assist here. I believe very strongly in the parental role in education, in general, and in this program, in particular. I think that in education we have three very important legs of the tripod, and they are, the student, the parent and the teacher. These three units should be really emphasized in the delivery of educational services, and I just want to welcome the parents here this morning and welcome their input.

Thank you, Mr. Chairman.

Chairman **Perkins**. We are delighted that you are here today and we will hear all of you.

We will recess for about 6 or 8 minutes.

[Short recess.]

Mr. **Le Fante**. Chairman Perkins is totally involved with the Labor Reform Act that is being debated presently, and they are at the amendment stage. So the chairman will be delayed. He will perhaps be on the floor all day. He asked me to come over.

My name is Joseph Le Fante, a congressman from New Jersey and I serve on this committee.

The chairman has asked me to come over and continue with the hearing. However, I would like to, if I may, tell you a little bit about what the calendar is for the day.

Presently Mr. Perkins is on the floor addressing himself to some retirement reform remarks that were printed in the public press. Immediately after that, there will be debate and votes on two rules. Then they go right into the amendments on the Labor Reform Act.

What I am trying to say is that we will probably be disturbed here and interrupted all morning running back and forth for votes. So I would like to suggest something, if it has not already been suggested to you. Your entire statement will be entered into the record as presented. Perhaps you could just highlight and summarize some of the material that you would like to discuss here this morning, then we would all get a chance to hear it. If I can make that suggestion, I would appreciate it if you can do that, not so much for our benefit as we are going to be here, but so that each and every one of you will get a chance to be heard.

Ms. Brodie, I believe you were making your presentation at the time of the vote. Why don't you begin where you left off.

Ms. **Brodie**. We were talking about categorical restraints, and why it should be imposed for the following reasons:

First, to insure that the money is being spent according to the legislative intent.

Secondly, monies spent must be accounted for according to prescribed standards in order to avoid waste and malfeasance.

Without such direct controls, no effective public accountability could possibly be maintained.

Bureaucratic red tape may be modified and simplified, but it cannot be abolished.

Finally, while Federal money and influence may be welcomed on occasion, they are often resented. Most State and local educational authorities would far prefer to receive general aid in the form of block grants that would allow them to determine educational priorities. This aid would involve no categorical inducement, no mandates, no guidelines, no federally-sponsored systems of evaluation and reporting.

Each school district would have additional, unearmarked resources with which to work, and with State and local authorities inevitably making decisions in terms of the various social and political pressures around them, this would really be throwing vast sums of money into a "political pit."

We, therefore, recommend that Title I ESEA continue as a categorical grant program.

PARENT INVOLVEMENT

The Education Amendments of 1974 strengthened and expanded the concept of parental involvement by mandating parent advisory councils at both the school and district level to provide viable input with regards to the planning, implementation, and evaluation of Title I programs. Information available on successful Title I programs indicates that one of the key elements found is parental involvement.

The concept of parent councils in the Newark school district was initiated in 1967, and has continued to expand each year. Members of the local parent council participate in all facets of their schools' Title I program.

The evaluation of Newark's Title I program for the 1976-1977 school year indicated that the involvement of parents was an extremely important factor in the operation and success of the program.

This involvement was exemplified by the attendance of more than 4,000 parents at our 1977 District-Wide Parents Conference.

In order to further facilitate the planning and monitoring of Title I programs at the State level, State parent advisory councils should be mandated.

In New Jersey a State-wide Parent Adivsory Council has been organized since 1973. It advises the State Education Agency in the administration of Title I and facilitates the planning and monitoring of Title I programs within the State.

We, therefore, recommend the continuation of mandated parent advisory councils at both the school and district-wide level with stronger legislation which will enable these councils to fulfill their mandated obligations.

We further recommend that State parent advisory councils be mandated, and that the membership be elected by eligible Title I parents and consist of a majority of the parents of the children to be served.

THE DIVISION OF EDUCATION FOR THE DISADVANTAGED

With the present organizational structure at the United States Office of Education, the Division of Education for the Disadvantaged is one of eight divisions of the Bureau of Schools. Title I represents one third of the Office of Education's budget, but it only employs 2 percent of the personnel that administers the program.

In addition, under the present system the DED is four layers away from the Commissioner of Education, thereby resulting in a considerable amount of red tape which is seriously crippling the overall effectiveness of the program.

The DED is an extremely important and key component in the Office of Education. It administers a substantial portion of OE's budget and has the overall responsibility for administering programs in approximately 14,000 school districts or 90 percent of the national total. However, due to budget reductions, travel for monitoring and technical assistance has been seriously curtailed.

We, therefore, recommend that the Director of the Division of Education for the Disadvantaged report directly to the Commissioner of Education.

We further recommend that the Commission of Education provide the Division of Education for the Disadvantaged with a more adequate staff and budget commensurate with the size of the program it administers so that more effective monitoring and technical assistance can be provided at the State and local level.

Thank you for your kind consideration.

Mr. **Le Fante**. Thank you, Ms. Brodie.

According to the list I have before me on the same panel is Ms. Audrey Roedl.

Will you proceed?

STATEMENT OF AUDREY A. ROEDL

Ms. **Roedl**. I am very grateful to have the opportunity to share my views with you.

My name is Audrey Roedl. I have been a member of the National Coalition of ESEA Title I Parents for four years and now serve as Vice Chairperson for Region Five. I came to the Parent Advisory Committee six years ago when they were first being formed. I served on the district-wide PAC as chairperson for five years. During this time the number of parents actively participating in local and district PACs increased drastically.

I served one year on the National Coalition Steering Committee. I was a member of the State of Minnesota Committee drafting regulations for PAC and have been available to assist at workshops whenever I was asked.

Two of our sons have been in Title I programs. One is functionally well at grade level. The other graduated one year early from the St. Paul Open School and will go on to study music.

I very much agree with the intent of the new legislation being proposed. I question its workability. The parents whom I represent feel that the funding formula should be essentially as it is now. It is my understanding that recent studies have shown that a very strong relationship exists between low educational attainment and low family income. We feel that low-income data should continue to be used for funding.

Using educational achievement as the formula base for funding Title I does not sound like a good idea because there is no body of test information available now, there is no test information available, and there is no test which provides information now. The problem of administering such a test appears to be far greater than any benefit which might result. We cannot get an accurate picture of a child by testing, some children never test well.

We are not entirely happy with the present formula. One of our concerns has to do with the reducing number of AFDC formula funding count. The change in the law which reduced the number of AFDC children to be counted for funding to two-thirds has cost the Title I program dearly. Each year under the present law St. Paul's and Minnesota's AFDC count has decreased because of the Federal Government's raising of the poverty level for that count.

We also have concern about the census data used for funding, and wonder whether it would be reasonable to have a national census every five years. Population is very mobile and changes greatly in our larger cities.

I have been told that there will be no more grant appropriations for part B of Title I. St. Paul and other school districts in Minnesota are providing 20 percent of their Title I program under part B. Eliminating part B will reduce Title I programs disastrously unless far more money is appropriated under part A.

The first recommendation:

Clearly stated regulations for including parents with children out of the program for the first year in the 51 percent. PACs need this experienced leadership and even though these parents are eligible in the 49 percent, most seem to feel they are not wanted when they lose majority status.

The second recommendation:

Regulations allow all parents to participate in the election of PAC. Some parents of Title I children are quite willing to be identified to other Title I parents, but feel it is a stigma to be identified to a whole community. These areas should have an option to hold elections among Title I parents only if they so desire.

The emphasis of Minnesota's funds are used for reading and math programs in grades 1 to 3. Need is still great in upper levels, including junior high. The PACs have been concerned that most of our job over the years has been determining what programs must be cut. Many excellent programs have been cut or severely curtailed because budgets just could not be stretched to continue them.

The most successful PACs have been those that teach parents to help their children at home.

In St. Paul teachers have demonstration materials used to teach the child, and parents have actually played games and been involved in puppet shows showing how to use these methods to reinforce school instruction.

PACs consulting with teachers have prepared booklets showing parents how to help maintain reading and math levels over the summer. They have also hosted Title I Day. Parents are invited to be in the classroom while their child is there. In another area coffee is served while parents get to know each other and learn more about the program and how it works.

One thing our local emphasizes at these coffee meetings is to put the accent on what the child does well. Most Title I children are very talented in other fields such as art, music, or mechanics. We as parents realize the need for the child to read, but the child needs to know they are good at something.

Many Title I parents have had bad experiences in school. Some feel their situation is hopeless. They did not do well in school so their children will not either.

The third recommendation:

Including a community liaison program. A parent, home visitor to encourage parents to come to school to learn about the program; learn how to help their child, and to join the PAC.

Meeting parents with similar educational problems gives parents insight. PACs give parents a group in the school they can relate to and they soon learn it is not a frightening place. They can see how the child is taught. The child can see the parent cares and both make progress toward a more profitable existence. In this fertile environment the child learns and many times the parent does as well.

A year ago I spoke to parents about Title I. During this I encouraged parents to have books at home and to spend time reading with their child. Afterwards a parent approached me about the fact she could not read herself. She asked "What shall I do?"

She had the time and the enthusiasm to learn. With the help of the principal we were able to get the parent into an adult tutorial program. Now both the parent and the child can read.

Mr. **Le Fante**. Thank you, Mrs. Roedl.

The next witness to appear before the committee this morning will be Mr. Archie Curry, Chairman of the District Advisory Council to Title I, Rochester City School District, but first we are going to take a short recess. I have to run over to cast my vote. If you will excuse me, I will be back just as fast as I can.

[Short recess.]

Chairman **Perkins**. The committee will come to order.

Our next witness is Mr. Archie Curry, Chairman of the District Advisory Council to Title I, Rochester, New York, School District.

Without objection, all the prepared statements will be inserted in the record. The hearing will be interfered with by frequent roll calls. If you want to summarize your statement, it will be better.

STATEMENT OF ARCHIE CURRY

Mr. **Curry**. Thank you very much, Mr. Chairman.

[The statement follows:]

"the time
DACT
is now"

DISTRICT ADVISORY COUNCIL
TO ESEA TITLE I

EXECUTIVE COMMITTEE

Chairman:
ARCHIE CURRY

Vice-Chairlady:
CLARA CRITTENDEN

Secretary:
ELSIE KOSTECKE

LEGISLATION

Chairman:
DWIGHT HUBBARD

TITLE ONE OFFICE STAFF

Administrator:
WILBUR GERST

Assistant:
CAROLYN THOMPSON

Secretaries:
DONNA MAGLIOCCO
NANCY OLEKSYN

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE OF EDUCATION AND LABOR
Subcommittee on Elementary, Secondary and Vocational Education

-- TESTIMONY ON ESEA TITLE I --
by ARCHIE CURRY
City School District
Rochester, New York
Thursday, October 6, 1977

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I AM THE CHAIRPERSON OF THE CITY SCHOOL DISTRICT OF ROCHESTER, NEW YORK'S DISTRICT ADVISORY COUNCIL TO ESEA TITLE I.

I WISH TO THANK THIS COMMITTEE FOR ALLOWING ME TO SPEAK BEFORE YOU AND FOR ENTERTAINING SOME OF MY VIEWS AND THOSE OF MY FELLOW PARENTS RELATIVE TO ESEA TITLE I AND THE FEDERAL LEGISLATION WHICH WILL EFFECT ITS OPERATION. I CONGRATULATE YOU AND RESPONSIVE MEMBERS OF BOTH HOUSES FOR DEMONSTRATING CARE AND CONCERN FOR THE YOUTH OF THIS NATION.

WITHOUT FEDERAL INTERVENTION IN THE MATTER OF FORMAL EDUCATION FOR OUR YOUTH, I DO NOT BELIEVE THIS COUNTRY COULD LONG ENDURE. CERTAINLY OUR STANDARDS OF LIFE, OUR LEVELS OF ACHIEVEMENT AND OUR WORLD RANKING WOULD SUFFER SIGNIFICANTLY.

THE CRITICAL NEED TO INCREASE AND SUSTAIN FEDERAL SUPPORT TO PUBLIC SCHOOL CHILDREN WHO SUFFER FROM THE EFFECTS OF ECONOMIC AND EDUCATIONAL DEPRIVATION AND ARE INNOCENT VICTIMS OF SOCIETAL ILLS IS MY MAJOR REASON FOR REQUESTING YOUR ATTENTION.

THE RAPIDLY DIMINISHING ABILITY OF MUNICIPAL GOVERNMENTS TO PROVIDE NECESSARY EDUCATIONAL OPPORTUNITIES FOR ALL ITS YOUTH IN THE BASIC SKILLS AREAS AND THE APPARENT LACK OF COMMITMENT AND SENSITIVITY TO THE ACADEMIC NECESSITIES OF ECONOMICALLY POOR CHILDREN PROVIDE SUBSTANTIAL EVIDENCE TO ENCOURAGE A LARGER AND MORE INFLUENTIAL BODY, THE FEDERAL GOVERNMENT, TO CONTINUE AND BEEF-UP AID TO ITS PEOPLE. IT IS, THEREFORE, WITHIN THAT FRAMEWORK THAT I WISH TO COMMENT ON THE FOLLOWING POINTS AS THEY ARE RELEVANT TO EFFECTIVE UTILIZATION OF FEDERAL FUNDS ALLOCATED TO SCHOOL DISTRICTS FOR ECONOMICALLY DEPRIVED AND UNDERACHIEVING STUDENTS:

1. CATEGORICAL VERSUS BLOCK GRANTS
2. EDUCATIONAL DEPRIVATION AS THE SOLE CRITERION FOR TITLE I ELIGIBILITY
3. STATEWIDE PARENT ADVISORY COUNCIL

CATEGORICAL VERSUS BLOCK GRANTS

I BELIEVE STRONGLY IN THE CONTINUATION OF FEDERAL AID EARMARKED FOR SPECIFIC EDUCATIONAL PURPOSES, i.e. CATEGORICAL AID.

AT THE LOCAL LEVEL, WE HAVE WITNESSED THE EFFECT OF POLITICAL FINAGLING OF FUNDS WHEN CATEGORICAL FUNDS WERE CONSOLIDATED. IT SEEMS VERY CLEAR TO ME THAT THE INFLUENCE FOR BLOCK GRANTS IS TO MANIPULATE AND FUNNEL FUNDS AWAY FROM THOSE AREAS OF GREATEST NEED.

TRADITIONALLY, THE MOVE TO THE BLOCK GRANT CONCEPT HAS NOT MAINTAINED NOR GUARANTEED THE SAME LEVEL OF EFFORTS THAT WERE REALIZED UNDER CATEGORICAL GRANTING.

ALLOW ME TO STATE HERE THAT I DO NOT DENY NOR TURN MY HEAD FROM THE NEEDS OF OTHER YOUNGSTERS WHOSE EDUCATIONAL NEEDS ARE OTHER THAN ECONOMIC AND EDUCATIONAL DEPRIVATION. CERTAINLY THE PRESENT LEVEL OF FUNDING UNDER THE CATEGORICAL CONCEPT NEEDS TO BE INCREASED. CATEGORICAL FUNDING AND ACCOMPANYING GUIDELINES UNDER FEDERAL SPONSORSHIP HAVE GIVEN CLARITY TO LEA'S RELATIVE TO AMOUNT AND SPECIFIC PURPOSES OF ITS USE, GUIDELINES FOR PROPER APPLICATION AND AVENUES FOR PROBLEM SOLVING, DISCONTENTMENT AND DISAGREEMENT.

IF THE FEDERAL GOVERNMENT WERE TO CONSOLIDATE PRESENT CATEGORICAL EDUCATIONAL GRANTS INTO BLOCK GRANTS WHILE, AT THE SAME TIME, GIVING SOLE CONSENT AND RESPONSIBILITY TO THE STATE EDUCATION DEPARTMENT TO ADEQUATELY AND EQUITABLY DISTRIBUTE THOSE FUNDS TO LOCAL DISTRICTS, I FEAR THAT CERTAIN LOCAL AREAS WILL LOSE THE MUCH NEEDED LEVEL OF FINANCIAL SUPPORT THEY PRESENTLY RECEIVE. AS AN EXAMPLE OF A PRESENT INEQUITY OF FUNDING, WHICH COULD VERY WELL BE MAGNIFIED UNDER BLOCK GRANTS, THE FOLLOWING TABLE POINTS THIS OUT.

COMPARISON OF PART A ALLOCATION FOR MONROE COUNTY, FY's 1970-1977, TO ROCHESTER CITY SCHOOL DISTRICT

FISCAL YEAR	MONROE COUNTY	ROCHESTER CITY SCHOOL DISTRICT	% TO CITY	SUBURBS	% TO SUBURBS
1970-71	$ 3,778,665	$ 3,408,215	90.2	$ 370,450	9.8
1971-72	4,093,118	3,696,599	90.3	396,519	9.7
1972-73	4,735,309	4,292,518	90.7	442,728	9.3
1973-74	5,664,520	5,128,560	90.5	535,960	9.5
1974-75	4,814,842	4,359,276	90.5	455,566	9.5
1975-76	4,229,163	3,705,385	87.6	523,778	12.4
1976-77	4,389,578	3,547,630	80.8	841,948	19.2

*NOTE THE COMPARISON BY PERCENTAGE OF TITLE I ALLOCATIONS BETWEEN CITY AND SUBURBS FOR FISCAL YEARS 74-75, 75-76, AND 76-77.

MOREOVER, SHOULD THE FEDERAL GOVERNMENT EXPRESS IN ITS LEGISLATION AN ACCOUNTABILITY FACTOR COVERING THE FULL INTENT OF TITLE I LEGISLATION UNDER WHICH THE STATE EDUCATION DEPARTMENT MUST COMPLY, I WOULD THEN BE WILLING TO CONSIDER THE BLOCK GRANT IDEA.

I BELIEVE THAT YOU HAVE SHOWN MUCH MORE CONCERN FOR THE URBAN AND RURAL POOR THAN MANY KEY PERSONS IN MY OWN STATE. IN FACT, IF IT WERE NOT FOR THE EXISTING FEDERAL GUIDELINES FOR ESEA TITLE I, I BELIEVE THAT MISUSE AND FLAGRANT NON-COMPLIANCE OF FEDERAL INTENT WOULD RESULT.

REPRESENTATIVE ALBERT QUIE'S BILL

I FULLY AGREE WITH REPRESENTATIVE QUIE ON THE POINT THAT ALL LOW ACHIEVERS, REGARDLESS OF THEIR ECONOMIC STATUS, SHOULD BE GIVEN ADDITIONAL SUPPORT IN THE BASIC SKILLS AREAS. I DIFFER, HOWEVER, ON DROPPING THE ECONOMIC CRITERION AS AN ELIGIBILITY REQUIREMENT FOR THE FOLLOWING REASONS:

1. THE AMOUNT OF FUNDS PRESENTLY RECEIVED AT THE LOCAL LEVEL IS NOT ENOUGH TO SERVE THE NUMBER OF PUPILS WHO ARE ELIGIBLE UNDER THE CURRENT GUIDELINES, USING BOTH ECONOMIC AND EDUCATIONAL REQUIREMENTS.

2. AS LONG AS THERE CONTINUES TO BE HUGE GAPS BETWEEN APPROPRIATION - AUTHORIZATION - ALLOCATION, LOCAL DISTRICTS MAY NEVER BE ABLE TO SERVE A LARGE MAJORITY OF PUPILS WHO QUALIFY. I HAVE BEEN TOLD THAT TITLE I, DURING FISCAL YEAR 1977, SERVED 57 PERCENT OF THE PUPILS TERMED ELIGIBLE BY LEA'S.

3. UNDER CURRENT FUNDING LEVELS, REPRESENTATIVE QUIE'S BILL WOULD CAUSE FUNDS TO BE SPREAD SO THIN THAT THE EXPENDITURE AT THE LOCAL LEVEL WOULD NOT MAKE A DIFFERENCE IN ACADEMIC ACHIEVEMENT.

ADDITIONALLY, IF WE CHANGED THE ORSHANSKY FORMULA TO ONE WHICH WOULD PROVIDE EACH LOCAL DISTRICT WITH ITS FAIR SHARE OF FUNDS, I WOULD THEN FEEL THAT MR. QUIE'S RECOMMENDATION COULD BE SUCCESSFULLY FULFILLED.

STATEWIDE ADVISORY COUNCILS

THE RECOGNITION OF PARENTS AS ASSETS IN THE EDUCATIONAL PROCESS OF THEIR CHILDREN IS CLEARLY A MAIN INGREDIENT. SINCE FEDERAL LEGISLATION MANDATED PARENTAL PARTICIPATION AT THE LOCAL LEVEL, THOSE DISTRICTS IN COMPLIANCE CAN POINT TO AND DOCUMENT THE INCREASED SUCCESS LEVELS OF TITLE I PARTICIPANTS. IN MY HOME DISTRICT OF ROCHESTER, NEW YORK, PARENTS ARE PLAYING MAJOR ROLES IN EVERY PART OF THE TITLE I PROCESS AND HAVE BEEN THE MAJOR FACTORS IN MANDATING MATH FOR EVERY STUDENT AT THE SECONDARY LEVEL UNDER THE BASIC LEA PROGRAM. WE HAVE DEVELOPED A WORKING RELATIONSHIP IN HARMONY WITH DISTRICT PERSONNEL. WE ARE WITNESSING THE DISTRICT ADOPTING IN ITS BASIC PROGRAM SOME OF THE TITLE I SUCCESSES AS A RESULT OF THE ADVISORY COUNCIL'S INSISTENCE AND INPUT. IN FACT, MANY OF THE NON-TITLE I SCHOOLS ARE ASKING FOR TITLE I PROGRAMS EVEN THOUGH THEY DO NOT QUALIFY. TITLE I PARENTS ARE NOW SERVING ON ADVISORY AND INSTRUCTIONAL COUNCILS IN THOSE SCHOOLS AS WELL, AT THE INVITATION OF PRINCIPALS AND STAFF.

IT IS APPARENT THAT FULL PARTICIPATION BY PARENTS AT THE DECISION AND POLICY MAKING LEVELS IN THE DISTRICT HAVE MADE AND ARE CAUSING SIGNIFICANT ACADEMIC GAINS TO BE OBTAINED IN THE CLASSROOMS. A HINDERING FACTOR, HOWEVER, AND ONE WHICH CAUSES US IN OUR STATE MANY PROBLEMS IS THE APPARENT LACK OF UNDERSTANDING, LACK OF KNOWLEDGE AND MINIMAL SENSITIVITY OF KEY STATE DEPARTMENT OFFICIALS TO THE NEEDS OF URBAN YOUTH AND THE TALENTS OF LOCAL LEVEL PARENT ADVISORY COUNCILS. WE ARE SEEING THE INTENT OF FEDERAL LEGISLATION BEING DISSIPATED AT THE STATE LEVEL. I FIRMLY BELIEVE THAT A REPRESENTATIVE, QUALIFIED GROUP OF TITLE I PARENTS CAN BE A DEFINITE ASSET TO THE STATE'S TITLE I PROGRAM OFFICE.

SUCH A COUNCIL COULD AND SHOULD SERVE IN AN ADVISORY CAPACITY AT THAT LEVEL SIMILAR TO ITS ROLE AT THE LOCAL LEVEL. INASMUCH AS THE CREATION AND IMPLEMENTATION OF SUCH A COUNCIL WILL NOT BE INITIATED IF LEFT UP TO THE STATE, AS IT SHOULD BE, I STRONGLY URGE THAT SUCH BE MANDATED THROUGH FEDERAL LEGISLATION.

LAST, BUT CERTAINLY NOT LEAST, I QUESTION THE NEED FOR THE AMOUNT OF TITLE I FUNDS GOING TO OUR STATE EDUCATION DEPARTMENT. I BELIEVE, AND THOSE PARENTS I REPRESENT, THAT OUR STATE DEPARTMENT, TITLE I OFFICE, HAS NOT PROVIDED THE NECESSARY PARTNERSHIP, SENSITIVITY AND UNDERSTANDING OF URBAN STUDENTS TO JUSTIFY THE AMOUNT OF DOLLARS THEY RECEIVE TO PROVIDE ASSISTANCE. I RECOMMEND THAT THE PERCENT OF THE STATE'S ALLOCATION PRESENTLY GOING TO THE S.E.D. SHOULD BE SHARED WITH LEA'S AND THE U.S.O.E. REGIONAL OFFICE TO PERFORM THOSE SERVICES TO THE LEA'S THE STATE IS SUPPOSED TO PROVIDE. THE U.S.O.E. REGIONAL OFFICE WOULD ALSO SERVE AS THE FEDERAL LIAISON TO THE STATE EDUCATION DEPARTMENT.

I APPRECIATE YOUR ALLOWING ME THIS OPPORTUNITY TO SHARE A FEW THOUGHTS WITH YOU. AGAIN, I APPRECIATE THE WORK YOU ARE DOING AND THE OBVIOUS CONCERN FOR THE CHILDREN OF OUR NATION.

THANK YOU.

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Mr. CURRY. Mr. Chairman and members of the committee, I am the chairperson of the City School District of Rochester, New York's District Advisory Council to ESEA Title I.

I wish to thank this committee for allowing me to speak before you and for entertaining some of my views and those of my fellow parents relative to ESEA Title I and the Federal legislation which will effect its operation. I congratulate you and responsive members of both Houses for demonstrating care and concern for the youth of this nation.

Without Federal intervention in the matter of formal education for our youth, I do not believe this country could long endure. Certainly our standards of life, our levels of achievement and our world ranking would suffer significantly.

The critical need to increase and sustain Federal support to public school children who suffer from the effects of economic and educational deprivation and are innocent victims of societal ills is my major reason for requesting your attention.

As you know, the rapidly diminishing ability of municipal governments to provide necessary educational opportunities for all its youth in the basic skills areas and the apparent lack of commitment and sensitivity to the academic necessities of economically poor children provide substantial evidence to encourage a larger and more influential body, the Federal Government, to continue and beef up aid to its people.

I am here to say that I want to speak to the need for increased Federal support to Title I, and I also want to speak to three major concerns of ours in Rochester.

Chairman PERKINS. I believe in what you are stating about the necessary increase in Title I. Go ahead.

Mr. CURRY. The three areas we want to bring to your attention from Rochester are (1) the areas of categorical versus block grants; (2) educational deprivation as the sole criterion for Title I eligiblity; and (3) state-wide parent advisory councils.

I believe strongly in the continuation of Federal aid earmarked for specific educational purposes; i.e., categorical aid.

At the local level, we have witnessed the effect of political finagling of funds when categorical funds were consolidated. We fear if you remove the categorical attachment to aid to education through Title I, the same thing will continue. We think we should keep that and not move to the block grant concept.

In the area of criteria for allocating Title I monies, I think Representative Quie strongly supported the removal of the economical criteria and just using educational disadvantage. We have no problem with that. We believe in Rochester that all children should, whether he or she is economically or educationally disadvantaged, receive funds. But in our area we cannot serve all of the students that we would like to serve with the economic and the educational criteria added.

To remove that—and it is open to everyone—without the increase in Federal aid, we at this point are opposed to that proposal of Representative Quie.

If you look at the Orshansky formula instituted in '74 and revamp that where we can receive more money particularly in the northern part and in our State, then we could probably live with the removal of the economic criteria as the sole criteria for issuing money to Title I.

We feel that the State advisory councils, which is the third thing, should be a mandated part of this legislation coming out. Let me share with you what we have felt and witnessed in Rochester and in New York State. With the new mandated involvement in the present legislation, in Rochester the growth of the Title I children has been tremendous. But we feel in Rochester that we could have done much more if the State had some idea of what was going on at the local level.

In the State of New York, the State education department is powerful, as I am sure it is powerful in every State. We have a bunch of bureaucrats in Albany making decisions concerning what we should do at our local level regardless of what we feel our local needs are. We have tried in New York over the past three years to organize state-wide, and each time, although we had two state-wide conferences where we pulled in over 500 parents, each time the State found some way to kill that thrust, one way being to say no money could go for the travel to the site where we were having a conference.

Mr. Chairman, I hope your committee will see fit to mandate in this new legislation coming up, not only that parents be involved at the school level and the district-wide level but also at the State level, because if we are to really fulfill the intent of Title I, the bureaucrats at the State level must have some input from the consumer at the local level.

Lastly, I would go one step further and say we in Rochester question the amount of money going to the State education department in general. We believe that the money that is spent at the State education department could go to the local or regional offices of education and to the local education office and totally eliminate the amount of money going to the State education department. We in Rochester strongly urge you and your committee and the people who will be dealing with this to look at that. That alone will provide us at the local level with more technical assistance. It will also provide us with more money coming in to serve the children, and that is what the intent of Title I is all about.

I appreciate your allowing me this opportunity to share with you the views of the parents in the city school district of Rochester that I represent.

Chairman **Perkins**. We appreciate your being here and your testimony has been most helpful. We will withhold any questions until we get through with the panel because of these interruptions we are having on the floor.

Our next witness is Ms. Patricia Overberg, Title I Parent Advisory Council, West Greenwich, Rhode Island.

STATEMENT OF PATRICIA OVERBERG

Chairman **Perkins**. Without objection, your prepared statement will be inserted in the record.

Our counterpart over in the Senate is Senator Pell from your State. He is a great leader in education, and we all appreciate working with him.

Ms. Overberg. We all love him.

Chairman Perkins. We think he is one of the greatest leaders in the educational field in America. Go ahead with your testimony.

Ms. Overberg. I am also the Chairman of the Title I Committee for the entire State of Rhode Island.

I would like to give my testimony as a concerned parent, one who believes there are several issues concerning education, Title I, ESEA and parental involvement, which very strongly need to be addressed, particularly in the area of rural parent involvement, and I would like to give some historical background concerning rural makeup. Generally, rural areas are pretty much the same in the area of makeup of the community, psychological outlook of the community members and in the role that the local educational agency may play within the community.

Except for perhaps a town hall, most local rural communities that I have investigated in my State and other rural States in New England do not have a community center. There is no place for the community people to go to socialize. Therefore, there is a great lack of group communication; however, there is no lack of the community knowing through the grapevine what other members of the community may or may not be doing.

The makeup of most rural communities centers around two groups: the natives and the newcomers, or the outsiders, as they are not so fondly called. The natives by and large are the group of people who grew up in the area and who were in most cases educated in the old little red schoolhouse. These people are by their own choice quite content to keep their bodies in the woods or on the farm and their minds back in the good old days of the little red schoolhouse. Their attitude towards education is, What was good enough for me is good enough for my children, and anything that will raise my taxes will not get voted in. One need only attend town council meetings or town school budget meetings to believe the fact of reality here.

The natives, by and large, are at this time the real political stronghold in the rural areas. This will change in the future, as it is beginning to do so now, as the rural areas build up as they in Rhode Island are now doing.

At present, however, the newcomers are not very strong politically and as newcomers, they do not realize the conditions of the local system. At present also, the new people who are building homes and moving into the rural areas are doing so to get way from the pressure and strife of city and suburban living and until they realize what is actually happening in their local school system they actually do not want to become involved, unless of course it can get a job for them.

As hard and cold as this historical fact may seem concerning community involvement, as expressed by a community member, the fact of reality is that the conditions exist in most rural areas. Outsiders, newcomers, who by the way are not related to one another as most of the natives are, are very subtly coerced into believing that they really do not have a right to voice their opinions, which may or may not be in contradiction to the view of the established community. An established community by and large which is controlled by the local natives who control the school committee, the town council, and therefore what happens in the local educational agency. One does not sincerely combat the locals and walk away from it feeling any accomplishment. The way must be done with"good taste," for after all, that is Uncle John, cousin Harry and sister Sally being challenged. Or after all, these are people who went to college and who are the community people, to say they know what their children may need or not need. The only time for that is during a town meeting, never on a day-to-day basis.

Quite naturally of course, none of this is put quite as blatantly as that; it is done with much sophistication and show of manners. The community people nonetheless are quite deliberately bombarded with these messages and so are their schoolchildren. Because this is done with such sophistication and "good taste," the ordinary person just does not know how to combat it, so they overtly accept it. They feel the below the surface anger, they feel the insult to their intelligence and when it comes time to give the local school system the money it needs to operate to provide a proper education for all children in the rural area, they get their revenge. Title I in the rural areas then, if the funds are high enough, is constantly and in many cases illegally dumped with the problems of the system.

Parents in rural areas by and large do not even know that there is such a thing as Title I and although they may care about what happens to their own individual child, there is just not the unity of belief that other children are as important as theirs. Rural area parents are ashamed that their child might be labeled dummy because of their being in a Title I program, and Lord forbid that they should acknowledge that their child is being serviced by Title I by attending a meeting.

Consequently, by and large, Title I parent involvement in rural areas is almost nil. What is there is ineffective, for there is no real leadership for the benefit of the parents and the children. People who become involved, do so solely out of self-interest and in most cases when this is satisfied they go back into the words or on the farm. Education of parents in the rural areas is at best a slow-moving, tedious grind. It takes years to get through to the parents to just get them involved and then it takes even more years to educate them about Title I, responsibilities of PAC membership and the rights that they and their children have not only in Title I, but in education. People who come into rural areas and who have been there for awhile are, by and large, homeowners. They have an investment of money in their being there. They intend to stay where they are, at least as long as it remains rural. The newcomers who have been there for more than five years eventually split up into two groups: those who stay at home and tend their property or those who go out for a job. Those who have used Title I to get a job, through their PAC involvement, do not hesitate to sell others down the river, if their job means a lot to them, which in most cases it does, even if it is just a teacher-aide job.

Children in the rural areas, as well as in the urban, suburban areas, are engaged at present in their own subtle methods of rebelling against the old autocratic manners of dealing with them. These children are by and large the ones who are refusing to learn how to read, who are refusing to learn how to spell, who are refusing to learn how to work with figures and who are refusing to obey the demands that adults make on them and of them. These are the children who Title I constantly hears of and deals with. These are the children who are rejecting the American educational system's effort to train them in accepting boredom as a way of life.

I have much faith in the Title I child and his ability to get for himself as an adult those things from life that will foster his or her growth as a free person. I am sorry to say, however, that this keen faith in the Title I child does not totally extend to the system giving Title I services or to the parents of these children. Title I is treating a hangnail on a body ridden wth cancer—the American educational body. We must teach our children the joy is in the doing and the learning, not in the winning over our peers in competition. Title I will not work because of a zillion programs being offered, but because of the caring and ability of the staff to instill inner motivation within the children.

Programs mean nothing if the staff operating them are only there because Title I pays more than other school staff positions. Parents will do nothing worthwhile for the children if they continue to try to get jobs out of their being involved, or if they care only about their own child and not other children. Self-interest is only healthy until it begins to hurt others. It is downright criminal when it hurts children, for they have no protection except what the adults choose to give them, and if children finally rebel, no matter how or at what age, we adults are the only ones to blame for it.

In terms of training parents in the rural areas, they need to be trained. They need to be educated in what Title I is all about. Parents need help to get to other parents in the rural areas. Rural areas do not get the kinds of funds that the urban and suburban areas get. There must be something in the legislation that will allow a certain percentage of Title I money to be used for parent involvement and parent training. You must have that if you are going to have really worthwhile parent involvement. Without it, it is a sham.

The other issue we are concerned with in Rhode Island, as most parents are, is State Title I advisory councils. We have a makeshift one in Rhode Island. I am the chairman of it. But it is not going to do any good unless we can have legislation behind us as we have on a local level. Without it we do nothing. We cannot do our jobs.

I want to thank you for giving me this opportunity to speak before you.

Chairman PERKINS. Let me congratulate all of you people.

Right at this point I thought I would ask Ms. Overberg a question. Some organizations which testified earlier suggested that Title I be amended to focus additional funds on the poorest rural areas and the poorest urban areas. Other organizations have recommended concentrating additional funds only on the urban areas. Do you believe the poorest rural areas share many of the same kinds of problems as the poorest urban areas, or should we just concentrate on urban areas?

Ms. Overberg. I believe our rural areas have more problems than some of our poorest urban areas simply because of the geographic factor that is involved in living in a rural area. Our rural area residents live at least three miles away from each other. Many of them are isolated. If it is a poor person in a rural area, they are lost, they are forgotten and their child is lost and their child is forgotten. They do not know where to go. Even if they did, it would take an hour to get out to the main road to get there. Transportation is a major problem in the rural area. In order for me to travel from the exit of Route 95 to my home it is eleven miles. I am ten miles from the nearest gas station, fifteen miles from the nearest grocery store. If I did not have a car, that would be it. Many people who are poor, the rural poor, cannot afford cars.

Chairman Perkins. I want to thank you for that answer.

STATEMENT OF DR. CARL L. MARBURGER

Our next witness is Dr. Carl L. Marburger, Senior Associate, National Committee for Citizens in Education.

Go ahead, Dr. Marburger.

Dr. Marburger. I would make a personal aside, Mr. Chairman. Thank you for your long service to the children of America. I wanted to say that to you personally as someone who appreciates your efforts.

Chairman Perkins. Thank you.

Dr. Marburger. I am Carl Marburger, Senior Associate of the National Committee for Citizens in Education, which is a national, non-profit, advocacy organization dedicated to helping parents and citizens become responsibly involved in the public schools. My association with education programs for poor people began when I was director of compensatory education programs in Detroit in the sixties and continued during my years as Assistant Commissioner for Education in the Bureau of Indian Affairs and as Commissioner of Education in New Jersey. In my career, I have seen education for the disadvantaged develop from an idea to a multibillion-dollar reality, thanks in large part to the efforts of this committee. It is a real pleasure to be here today and be able to continue to share in the development of this program.

At the National Committee for Citizens in Education (which, as you probably know, was built on the excellent work of its predecessor group, The National Committee for Support of the Public Schools, under the leadership of its chairperson, Mrs. Agnes Meyer), we are especially concerned with the parent participation aspect of Title I. We feel it is vital to the success of compensatory education. It has long been a part of educational rhetoric that children whose parents are deeply involved in their education perform better in school and certainly it was with this principle in mind that this committee drafted the present participation provisions now in the law.

There are many excellent reasons for ensuring community involvement in our educational programs: to build public confidence in the schools, to make the schools more responsive to their clientele, to strengthen our democratic system.

It is our judgment that the parent participation provisions drafted by this committee are not only important for building support for the Title I program and for making it more responsive, they are vital to the success of the compensatry education effort as a whole.

Over the past four years, NCCE has worked extensively with local parent/citizen organizations (nearly 300 of which belong to our Parents' Network). Many of these groups are actively involved with Title I, several are PAC's. From these contracts, we have concluded that the intent of this committee, and indeed of the Congress, with respect to parent participation has not been translated into reality, that the law has not been enforced and that in a substantial number of school districts parent involvement is either token or nonexistent.

The anger and frustration expressed by a parent at our hearing on educational governance in Los Angeles in 1974 is a good example:

"...there has been little or no attempt on the part of the local education agency to inform or involve either the general school community or the parents of participating children in the project area.

"This lack of communication has included:

"(a) Parents unaware of the existence, purpose or scope of Title I programs;

"(b) Parents unaware of their child's participation in the program;

"(c) Parents uninformed of program operation, progress or evaluation throughout the school year;

"(d) Advisory group members, at both local and district levels, unaware of membership on advisory groups, unaware of the formal nature and purpose of advisory groups in the program structure and uninformed of meetings;

"(e) Advisory group members are not being given information mandated by Federal and State regulations;

"(f) Advisory groups are not informed of the right to participate in the planning of programs, nor of the desirability for them to consider and make recommendations with regard to applications prior to the submission of applications prior to the submission of applications for approval.

"No advisory group member, so far as can be determined, has ever seen a program evaluation and very few have ever seen an application and even then it was only long after program approval. The impact of these findings and complaints is that there has been almost no parental involvement in these compensatory programs as envisioned by the original act and the subsequent guidelines. Indeed, it appears that this district has pursued a concerted hands-off policy, so far as parents or community have been concerned."[1]

Telling though they are, however, individual instances do not constitute hard evidence of a pattern of non-enforcement and wideperead noncompliance.

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[1] Testimony of parent Sue Adkins at hearings of the Commission on Educational Governance conducted by the National Committee for Citizens in Education, Los Angeles Public hearing, Thursday, October 17, 1974.

But the comprehensive report now being written by NIE on the Title I program, a report mandated at the instigation of this committee, does provide hard evidence of just that. Unfortunately, the sections of that study dealing with parent participation have not been completed in time for these hearings.

Because NCCE felt this question of compliance was too vital not to be fully addressed here, we have conducted our own review of the research so far submitted to NIE on parent participation.

I would like at the outset to indicate that the studies we reviewed were not designed to determine compliance, nor were they necessarily in final form. On the other and, it was not difficult to infer from the research the general state of compliance with the law and the regulations:

—The National Survey NIE conducted on Title I reveals that only 2/3 of the districts surveyed had PAC chairpersons available for an interview. Or restated, that fully 1/3 of the districts surveyed had no functioning chairperson for a school advisory council. NIE did a special computer run of its data to provide NCCE this information.

—A 1976 study of exemplary parent particiation programs found that, even in programs identified as exemplary, parent involvement seldom went beyond token levels. Moreover, involvement was limited to helping in the instructional process. Participation in setting student objectives was non-existent.[2]

—Finally, a major study of State and local administration of Title I reveals that at least 1/4 of the local districts studied had no functioning school advisory councils.[3] The pattern in well over half the districts was one of paper compliance and token involvement. The proportions for the compliance posture of SEA's were similar. One quarter had a do-nothing attitude, over half required only token compliance.

The findings, however, are not completely negative. They indicate that, with support from school officials, and at times without it, strong parent involvement has developed. For instance, this same study found that:

—1/4 of the local districts had strong, substantive parent involvement at both school and district levels.

—1/4 of SEA's had consistently taken constructive action to ensure strong parent involvement.

—District Advisory Councils, mandated since 1970, are relatively strong compared to School Advisory Councils, required by law since 1974 and by regulation since 1976, which haven't had as much time to gain momentum.

A possible explanation, certainly one often advanced, for the lack of parent participation, is apathy or cynicism; that many parents just are not motivated to get involved.

This explanation, I am pleased to say, is not supported by the study. Instead, the researchers have found that the most important factor in stimulating parent participation is the commitment of local school administrators to the concept. Where parents are encouraged, parents participate. Where parents are given an important role to play, parents continue increasingly to participate.

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[2] Education Turnkey Systems, Inc., "Report of a Limited Study on the Extent of Parent Involvement in Setting Objectives at the Elementary Level," (NIE-P-76-0151, March 15, 1976).

[3] To be permitted to review this study, NCCE had to assure NIE not to reveal the name of the contractor, as the study was still in final draft form.

NCCE's experience working wth parents at the local level certainly bears that out. Even in districts where local officials continually raise obstacles to parent involvement, strong parent organization has emerged. Given official encouragement and assistance, needless to say, parents are eager to participate in the education of their children.

I would like to make just one or two brief recommendations. In our view, the problem is not that the law is inadequate but that it has not been made widely known to parents, nor is it strictly and effectively enforced.

The Education Amendments of 1974, which contained significant changes strengthening parent involvement, were enacted in August 1974. The USOE issued draft regulations the following March, but the final regulations were not published until September, 1976, more than two years after the law was passed. The current USOE handbook on parent involvement[4] is dated February 1974 and is now three and one-half years out of date.

Many other organizations with more expertise in the law will be presenting their recommendations to this committee. Most of them will be calling for clearer regulations and more vigorous enforcement by USOE, and for much stronger monitoring of local Title I programs by SEA's. We would like to add our voice to theirs.

In addition, we would like to endorse two recommendations made by the Lawyers Committee for Civil Rights Under Law, which we feel are particularly important to consistent, down-the-line enforcement:

—That the USOE prepare a clear and complete policy manual setting forth all parent participation requirements, with adequate explanation and examples, for use by SEA's, LEA's, PAC's and other citizen groups.

—That strict assurances, written in plain English and in specific terms, that parent participation requirements have been met and adequate training and information hve been provided, signed by the PAC chairperson, accompany every LEA's Title I application.

We would like further to recommend that this committee forcefully exercise its oversight function and enlist the help of parent and citizen organization to monitor the enforcement of the law and the effectiveness of PAC's. It need not take several millions of dollars to find out if a school has a PAC or if it meets regularly. We have just completed a citizen survey of the Family Educational Rights and Privacy Act in conjunction with two other national groups. Relying only on our own resources and volunteer citizens as interviewers, we monitored compliance with the law in school districts representing six million children. We will shortly begin a second citizen oversight effort on P.L. 94-142.

If parents and citizens are to participate intelligently in government, it is critical that information be easy to find out about and easy to obtain.

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[4] "Parental Involvement in Title I ESEA: Why? What? How?", (DHEW, USGPO, Washington, 1972, reprinted 1974).

It has also been difficult for NCCE to obtain the reports necessary for this testimony from NIE. Only after repeated communications from our attorney reminding NIE of its obligations under the Freedom of Information Act were we able to see those reports and then under conditions we feel are restrictive. Knowing something of the experience and resources of an organization like ours, it should not be difficult to imagine how problems of access would be compounded for individual citizens.

Under the 1974 amendments, NIE was given the important responsibility to examine and report on the effectiveness of Title I programs. Because NIE has inappropriately, and we believe illegally, guaranteed confidentiality to public officials, States and local districts participating in the study, the uses to which its findings may be put are sharply limited.

Parents who want to know whether their school system is trying to comply with the law, researchers who would like to identify districts with high parent participation to study its effect on achievement, State legislators and even members of Congress who would like to know more about how Title I is administered in their States, all will be denied access to that information under current NIE policy.

Such a policy, we feel, is inimical to the purposes of Title I because it perpetuates a double educational standard, reserving for a privileged class of researchers and educators vital information sources. As it is the intent of compensatory programs under Title I to erase the negative effects of former discriminatory practices against children, it is the intent of NCCE to push for an easy flow of public information as provided for by law so that the citizen will not remain the "have nots" in the educational power structure.

Thank you, Mr. Chairman and the committee, for the opportunity to testify.

Chairman PERKINS. You are a very good witness.

Our next witness is Mr. Robert Brown, Associate Director, Southeastern Public Education Project, American Friends Service Committee, Macon, Georgia.

STATEMENT OF ROBERT BROWN

Mr. BROWN. My name is Robert Brown and I, along with my colleague, Ms. Jacqueline Williams, am representing the Southeastern Public Education Program of the American Friends Service Committee. For the past ten years the AFSC Southeastern Public Education Program has been working to insure that low-income and minority children have access to, and are the recipients of, the reality of equal educational opportunity. At the same time, we have been working with the parents of those children to insure that they have opportunities to participate in the educational policy and program decisions which affect their children, and which determine the extent to which their children, will be the beneficiaries of the educational system's promises of equity and quality.

For the past five years Ms. Williams has been working in South Carolina with the Southeastern Public Education (SEPEP) to provide technical assistance, information, and training to members of the Parent Advisory Councils mandated by Title I of the Elementary and Secondary Education Act. During the past year she has also been the Field Coordinator for SEPEP's special Title I Project in which ten community people in South Carolina, Georgia, Alabama, and Mississippi have been working in their home school districts, and in neighboring districts, to provide assistance to PAC members. Ms. Williams is also a former Title I parent and a former member of a Title I PAC.

We believe that the Parent Advisory Council provisions of Title I have been seriously compromised because of the lack of specific language in either the 1974 Education Amendments or subsequent regulations providing a strong organizational framework within which PACs can properly carry out their responsibilities mandated by law. The absence of such specificity means that a great many PACs operate without integrity or effectiveness, and are unable to fulfill the duties which Title I law requires.

You need to know that in too many local school districts throughout the South, as well as elsewhere in the nation, Title I Parent Advisory Councils exist but do not effectively function. In most cases their limited effectiveness is due to the lack of leadership and initiative on the part of local, State, and Federal education officials who do not see it as being in their interest to provide PAC members with quality training, to provide them with clear and easily understandable oriention materials, to allocate resources for outreach programs to PAC members, and to require that the existing law and regulations not only be followed to the letter but that qualitative compliance with the intent of the law be adhered to as well.

We have found that school officials either do not know how or do not care to involve parents in a way that enables PACs to function with integrity and purpose.

While the limited time today does not allow us to address all the problems which prevent PACs from operating as the law intended, we do want to call the following matters to your attention:

(1) The law needs to be changed to set a minimum term for each PAC member. This should be at least three years. At present, in many districts new PACs are elected each year and because there are only a few meetings each year it is virtually impossible for PAC members to learn their jobs, learn about Title I, and generally acquire the skills and insights necessary to make PAC members effective advisers to the local Title I program.

During this past year we found Parent Advisory Councils such as those in Dillon and Swansea, South Carolina, and Twiggs County, Georgia, which were not even organized until the last four or five months of the school year, and then were not provided with the basic training which would enable the PAC members to understand the program.

These are not typical examples. PAC members must be given an opportunity to become familiar with what Title I is all about in their school districts and they must become confident and comfortable in their new roles. The only way to do this is to enable PAC members to serve more than one year. Changing PAC members each year makes about as much sense as changing a school board's entire membership each year. Even though the role of PACs is only advisory, it is an important role which is seriously compromised and subject to manipulation when there is so little opportunity for PAC members to learn how to be effective as an advisory group.

(2) But even if PAC members have an opportunity to serve more than one year, their effectiveness can still be eroded if local school officials determine the PAC should only meet a few times each year. Therefore, the law needs to be changed to establish a minimum number of meetings, at least nine, each district PAC and school PAC must have during each calendar year.

Again, during the past year of our project we found that it was not unusual for a school district to have as few as three meetings during the school year. Pulaski County, Georgia, and Wilkinson County, Mississippi, are examples of two such school districts where the limited number of PAC meetings seriously undermined the role of the PAC.

You must keep in mind that most people who serve on Title I PACs for the first time have little, if any, knowledge of Title I. They may never have identified a program in their school as a Title I program. They have probably never heard of, much less seen, a Title I project application or the Title I regulations. Thus, holding only a few PAC meetings each year is a subtle device used by local school districts to keep PACs uninvolved, uninformed, and generally off balance so they will be unable to gain sufficient understanding of the Title I program and thereby offer sound advice on the program.

(3) The law also needs to authorize the U.S. Commissioner of Education to award grants for the purpose of encouraging the development and implementation of model training and outreach programs for Title I PACs. Half of these grants awarded on a competitive basis should go to local and State education agencies and half should be awarded to nonprofit public and private agencies.

The law should set a time limit of three years on this program and direct the National Institute of Education to evaluate the programs developed under the grant. Subsequent to that evaluation NIE should publish a report on the most successful models identified and also publish a handbook focusing on how to replicate such models. Both these publications should be written and published in a manner appropriate for wide distribution and use.

(4) The law also needs to require that each local education agency, in cooperation with the district PAC, annually prepare a written retrospective report which provides information concerning the PAC's organization, duties and agenda of each meeting held during the year, nature of orientation and training received by the PACs, PAC activities, how the PAC participated in an advisory capacity regarding the preparation of the district's project application and evaluation of project, et cetera, during the previous year in which the PAC has been active. The report should more briefly provide similar information about the individual school PACs.

This report should also devote some attention to the projected plans for and activities of the PACs for the forthcoming year. The law must require that these reports accompany the submission of each local education agency's annual project application.

We could make more recommendations but we believe they are more appropriate to changes which need to be made in the regulations. If the changes we have suggested could be in the law itself, we believe this would do a great deal to create a stronger structure and to provide greater opportunities for the PACs to operate effectively as the law intended.

Since the inception of Title I, parents and those interested in the concept of parent involvement have had to struggle every step of the way to make those provisions of the law work. If Congress has any concern that parent involvement in Title I be anything more than a noble gesture, now is the time for it to change the law. We simply cannot continue to have the kind of legal and programmatic hypocrisy in which the Parent Advisory Councils required by law frequently do not exist at all, or exist but do not function, or function but do not fulfill the law's intent because they are not stable, informed, and involved PACs which have integrity and purpose.

It has been our experience that in the enforcement of the Title I law and regulations those provisions concerning Title I Parent Advisory Concils have not been taken seriously by local, State, and Federal officials. We hope you will change this and we hope you will begin by insisting upon including the kinds of changes we have recommended for the law reauthorizing Title I.

I thank you for this opportunity to make this statement.

Mr. LE FANTE. Thank you, Mr. Brown.

I did not have the opportunity earlier but I want to take advantage of this chance to welcome Dr. Marburger. I have had some long-time experience with the doctor when I was in the New Jersey Legislature.

I dare say you are missed sorely up in New Jersey. I am sure you are performing to the best of your ability as senior associate for the National Committee for Citizens in Education and I am sure New Jersey's loss is their gain. I am sure every one of your remarks will be very strongly considered at the time of markup.

I have no questions. Mr. Heftel, do you have any questions?

Mr. HEFTEL. Thank you, Mr. Chairman.

One observation that I would make is that parents are frustrated in their endeavor to participate. I was wondering particularly, Dr. Marburger, because I think you have a national awareness of the problem in many different types of districts, what do you find is the focal point of success, if there is one, in terms of successful parental participation?

Dr. MARBURGER. Thank you. I think I have to say leadership, and that can come from many sources. Obviously, if the school district personnel are true believers in the concept and honestly believe parent involvement can make a difference, then that is, I think, the key. But that same leadership can also arise from parents in a community who want desperately to make things work for their children and who involve themselves significantly in what is happening in the school. So I think leadership is key. That extends on to the State levels because I think the State commission of chief State school officers are an important ingredient in that. I think it even filters up to the Office of Education.

My sense is the key is leadership in that local community, and usually if it is the administrator it works best—you have to fight some problems—but if he does not, parents and others can do it.

Mr. Heftel. What do you think we can do in Federal legislation as pertains particularly to Title I to try to have a standard of parental participation as a condition of funding, if that is feasible?

Dr. Marburger. I think the Congress has acted in this respect on a lot of pieces of legislation. I think at this point there are a lot of pieces. I think they need to be made a coherent package so that those that exist under the Vocational Education Act or Title I or Education for Handicapped all have different aspects. I think the Congress could look at all the pieces and bring those together into a coherent one kind of package. That is a formidible task but that would be a suggestion.

Mr. Heftel. As we know, under our present system of funding we call for citizen participation but we do it with a great deal of redundancy as you look at each title in each program. You see the requirement of citizen participation in each, and we find criticism of it by the school administrators, I should add. Are you suggesting that a single leadership-oriented, citizen-parent participation board might function better than having one for each program as now constituted?

Dr. Marburger. That is a very tough question because each of the Title I or Education for Handicapped and all the various parent groups organized within a single school know what they are about with respect to that particular act, they know the ground rules, or hopefully they do, they know where all the pieces are. So that is very tough.

I would hope to see at each school a council that consisted of representatives from the various pieces.

Mr. Heftel. That was what I was referring to, a single council.

Dr. Marburger. But do not take away the functions of those who will be meeting, because of their uniqueness they know what is going on in a particular act. That takes leadership also to see that happens.

I would also like to make the point I made in my presentation, and that is I think the Congress would have some responsibility for oversight at all. I know you are working toward that, but I think parents can provide the Congress some of the oversight they would like to have. They can really tell them. Let's not always go to the administrators and find out whether something is working.

Mr. Heftel. What would happen at the local level if the Congress were trying to find out what was happening in school districts? Would that be considered a positive step forward or intolerable meddling by the Federal bureaucracy?

Dr. Marburger. I do not care, frankly, sir. I think it is the important thing to be done. Oversight is what legislators are about, if I can be presumptuous enough to suggest that. We pass laws and see whether it makes any difference.

Mr. Heftel. I think I am more appreciative of your last remarks than you would realize because the practical problem is, we shy away from taking an honest controversial position and oversight in a very analytical manner.

Mr. CURRY. I would like to respond to two questions that have been raised here. As to what you can do with the one-parent type organization to speak for the total, that is the problem I found in Title I. Somewhere you have to develop a mechanism where you get accurate information. I would invite you to come to Rochester City School Systems and you will find that type organization you just talked about. It has been in existence for some time.

Mr. HEFTEL. You are chairman——

Mr. CURRY. Of the District Avisory Council, yes.

In the local schools there are many parent organizations operating as one body, Head Start, mandated councils, Title I.

Mr. HEFTEL. They form one committee?

Mr. CURRY. One committee of all the others in operation. Somewhere we are not getting information back to you here in Washington about what is operating out there in the field. I fought the State education department. You can tell I have problems with the State education department. But it is happening. I would invite any of you to come to Rochester and look it over.

I wish Mr. Perkins was here. He raised a question about where the money should be put most—poor rural or poor urban or poor somewhere else. I wanted to say to you—and I hope Mr. Perkins reads the minutes here—that when you are poor in this country and you are an underachiever it does not make any difference whether you are rural or urban. The lady who talked about how difficult it was to get to a school—this is just as much of a problem in the urban centers as it is in the rural. I think when you hear different groups and say the money is needed more in this area because of the poor, when you are poor in this country you are under the same handicap, the severity of it is just as great regardless of locale. We forget about just poor. When you are poor it does not make any difference.

I am saying, keep this in mind when you are generating the new legislation for Title I. If you are going to make more money available for transportation, we find transportation is a tremendous problem. We did set aside some money to pay for that but it is a long process, but it is a problem. So, poor is poor whether North, South, East, rural, urban. Keep that in mind.

Mr. HEFTEL. Thank you very much.

Mr. BROWN. Since we are extending invitations, I would like to extend one for you to visit the South, not only you but other members of the committee, and I will show you some districts where Title I advisory councils do not in fact exist. I will also show you districts where councils exist but in effect do not function. Some meetings are held quarterly, some are lucky if they get a chance to meet twice per year. So when you talk about forming new committees or a larger umbrella committee, we need to also be aware of the reality of what exists presently out there in many areas of the country.

One of the members of the panel talked earlier about what happens in rural areas. I was very sympathetic to what she was saying in that regard because our experience in the South, especially in the rural South, has been that at best we have councils that are formed on paper, do not have any organizational framework within which they can work; they are just stabbing in the dark and really have no effective councils organized. That is where we feel the law needs to be strengthened in that regard to specifically say the length of the term of the council, and more specifically delineate what responsibilities, what those local education agencies need to do to have effective councils.

Mr. Heftel. Thank you, very much, gentlemen.

Thank you, Mr. Chairman.

Mr. Le Fante. Mr. Pressler.

Mr. Pressler. Mr. Chairman, I just have a couple of questions here.

Do you know how far in advance of the application filling date the members are given the application?

Mr. Brown. I think more appropriate it would be, do they ever get it? Our experience has been if there is a district where parents do actually have an opportunity to participate in the present submission process, that is indeed a rare district.

Mr. Pressler. Should there be training or would that be too much bureaucracy?

Mr. Brown. I do not think it would be too much bureaucracy at all. I think in order for the parents to work effectively and with some integrity, that should be an essential role for them to review the proposal for the following year and also to make any comments they have about what is happening with the previous proposal and participate in the evaluation process in order to carry out what is presently a part of the law.

Mr. Pressler. It would seem to me that would be one of the most important improvements that could be made in planning and evaluating the program. We are missing the boat on that, or the system is. Is that your view?

Mr. Brown. We are definitely missing the boat on that.

Mr. Pressler. What kind of problems do you have in getting parents to serve on the PAC program? What excuses do you get?

Mr. Brown. Excuses from parents or excuses from administrators?

Mr. Pressler. Well, either. Is there ever a problem in getting parents to serve?

Mr. Brown. Yes, there is a problem. I think there is a reason for that. Historically, parents have not been involved in school systems, or when they have been involved, at best it has been in the bake sales and raising money for the PTA and they do not have any conception of what it means to be involved in a council where you tell them they will be involved in planning and implementing and evaluating programs. Unless the school system has some incentive to react to this in a way that exerts some leadership in this regard in terms of working with parents, you will find you are not going to get that much response.

Mr. Pressler. In South Dakota, where I am from, and many other similar States, we have a special problem. We are having hearings this afternoon on the Indian education situation, where parents advisory committees and parents groups are deeply divided, to put it mildly. We are trying to come up with ways to lessen that division. Have you been following or are you familiar with the

Indian advisory legislation that has been proposed by Mr. Blouin and Mr. Quie? Probably not.

Mr. **Brown**. No.

Mr. **Pressler**. It would probably be unfair to ask you some of these questions on it then, but I can send you a copy of that legislation. I would be interested in your comments.

Thank you, Mr. Chairman.

Mr. **Le Fante**. Dr. Marburger, I notice in your testimony on page 5, in the first paragraph of recommendations you say, "In our view, the problem is not the law is inadequate but that it has not been made widely known or effectively enforced." Right above that you talk about the possible explanation: "A possible explanation, certainly one often advanced, for the lack of parent participation, is apathy or cynicism; that many parents just aren't motivated to get involved."

Going back to page 4, the last paragraph, "The findings, however, are not completely negative. They indicate that, with support from school officials, and at times without it, strong parent involvement has developed."

My question is, in view of the fact that we are addressing ourselves to new legislation, do you think it would be wise to mandate administrative or school official participation with certain controls and regulations of their performance?

Dr. **Marburger**. I am always cautious about mandating because when we mandate, people are forced to comply and I think they have been doing that now.

I guess if we do mandate and move in that direction, then I strongly recommend you also build in the oversight responsibilities so that we see to it that it happens and give to both OE and to the State departments and to parent-citizens organizations and others the kind of funding that will allow them to do that oversight.

I said in my testimony it does not take a million dollars to do that. Somehow we have to put the hammer on those districts, those superintendents, those school board that are refusing to obey the law. Perhaps mandating is the only way it happens. I am suggesting, yes, mandate, I guess, and also oversight.

Mr. **Le Fante**. My specific reference was to mandating into the program certain qualifications. In other words, before or when they make application for the programs for funds there should be certain requirements made of these school officials. I notice in one part of your testimony you said—I forgot the exact verbiage you used—but I interpreted it to mean in spite of interference from some school officials, parents organized and became strong and were motivated and produced. I wonder why any school official would want to block a Title I program without realizing that he is jeopardizing Federal funds.

Dr. **Marburger**. Your audience I think really gave you a response to that.

Mr. **Le Fante**. I noticed that.

Dr. **Marburger**. People give up authority, give up decision-making power only with great reluctance, if indeed they go to the setting fearful of their own power and their own abilities. Tragically, that happens. I have to state there are some superb people in this country who willingly share and know that they are better off and the parents are better off if they are truly involved people, but there are a lot of very fearful people around who have always done it my way and therefore it works, and therefore they turn off all the parents.

Mr. CURRY. Also, may I add why an administrator would try to stop it—because he does not have to worry about whether he will lose his funds. The enforcement power that is vested in the State by the legislation is not enforced from the State level. When you talk about nonexisting councils or paper councils, that is why. They have no fear that they would not get their money. I suggested earlier that, from where I come from, not to give the money to the State and give it to the U.S. regional office of education and then into the local education agency, in that way the U.S. Office would enforce the compliance better than the State.

Mr. LE FANTE. Thank you, ladies and gentlemen. We appreciate your testimony. I am sure what you have given to this committee will be very helpful in the markup of the bill.

The committee will adjourn until 9:30 a.m., Wednesday morning, October 12. Thank you.

[Whereupon, at 12:00 noon, the subcommittee adjourned, to reconvene at 9:30 a.m., Wednesday, October 12, 1977.]

[Material submitted for inclusion in the record follows:]

NATIONAL COMMITTEE FOR CITIZENS IN EDUCATION
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October 10, 1977

Mr. Jack Jennings
Majority Counsel
Elementary, Secondary and Vocational
Subcommittee of the Education and
Labor Committee
Room B346C Rayburn Building
Washington, D.C. 20515

Dear Jack:

Thanks for making it possible for us to testify on Title I. We realize the great demand for time before the committee and we hope you found our testimony useful and constructive.

As I mentioned to you after the hearing, we do have additional material which the committee may feel will be helpful in their deliberations on parent participation in Title I.

Recently, we conducted an extensive survey to determine what research has shown about the relationship of parent participation to student achievement. We found that most of these studies report a strong, positive relationship between involving parents and improving children's achievement.

Although the studies show this strong relationship, the evidence does not categorically demonstrate that the effect is directly causal; that is that involving parents will immediately result in improving their children's achievement. This is because the relationship is more subtle and complex than many of us supposed at the time the Act was written.

Just how subtle and complex was suggested in the Coleman Report. When the report first hit, it seemed to demonstrate that schools really make little difference in student achievement compared to the influence of family background characteristics like income, race, and level of education.

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But several longer, closer analyses of the report have been more encouraging. What they have found is that student attitudes are the most important influence on achievement. Yes, these attitudes do originate in the family, but they seem to have more to do with the family's interaction than with its background. For example, whether parents read to their children and talk to them about their schoolwork.

Where parents show strong interest in their children's schooling their children tend to achieve, regardless of their race or social standing.

What are these key attitudes? The Coleman study and subsequent studies based on Coleman's data show that student self-concept and sense of control over the environment are critical to achievement. Certainly, children whose parents feel their actions affect the environment, and who consequently participate in school activities will have strong attitudes themselves of control over the environment. And conversely, children whose parents feel powerless and unimportant, and who consequently avoid participating in their education, will feel their lives are controlled by others.

We find then that Coleman joins leading research psychologists in thinking that the conviction that one's own actions influence one's environment is essential to success in school, and that such a conviction is largely formed by experiences in the family. Clearly, observing one's parents exerting a positive influence over the school would be a powerful image of control over the environment for the child.

Now, how do we know there is a link between parent participation and student achievement? Again, it is not the parent involvement itself that directly produces gains in a child's achievement. It is, rather, that involving parents, leading them to feel effectual, competent, and important creates a family environment that stimulates and reinforces their children's achievement.

Even where parent participation is superficial, an effect can be observed. In his reanalysis of the Coleman data, Sandy Jencks found that PTA attendance was significantly related to achievement. In 284 elementary schools, where PTA attendance was high, children's performance was 2 to 4 months ahead of children in schools where there was no PTA, holding other factors such as race and class constant.

What all this means, of course, is that the parent participation provisions drafted by the Committee are not only important for building support for the Title I program and for making it more responsive, they are vital to the success of the compensatory education effort as a whole.

Attached are copies of our annotated bibliography. Please feel free to use it in any way you find most helpful.

Sincerely,

Stanley Salett,
Senior Associate

SS:lms

Enclosures

SELECTED ANNOTATED BIBLIOGRAPHY ON THE IMPACT OF PARENT PARTICIPATION ON STUDENT ACHIEVEMENT

NATIONAL COMMITTEE
FOR CITIZENS IN EDUCATION

OCTOBER 1977

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Brookover, Wilbur B., et al., Self-concept of Ability and School Achievement East Lansing: Bureau of Educational Research Services, Michigan State University, 1965.

Three groups of students were compared over the course of a year-long study for gains in self-concept and academic subjects. The group of students whose parents met with school officials weekly made significantly more progress than students who received tutoring or counseling.

Cloward, Richard A., and Jones, James A., "Social Class: Educational Attitudes and Participation" in Passow, Harry A., ed., Education in Depressed Areas, New York: Teachers College, Columbia University, 1963.

A study of the differences in attitude toward education by the different social classes which concluded that heightened involvement in school activities, through PTA membership or visits to the school, resulted in higher value being ascribed to education, especially for lower class parents, and less favorable opinions of the school, especially among middle class parents.

Coleman, James S., et al.,Equality of Educational Opportunity, U.S. Department of Health, Education and Welfare, Washington, D.C., U.S. Government Printing Office, 1966.

Among the major findings of the Coleman report were that family background is of critical importance in school achievement and that attitudes including self-concept and a sense of control over one's environment, which probably result from home experiences, are highly related to achievement in school.

Copate, Carol, Flaxman, Erwin, Bynum, Effie M. and Gordon, Edmund W., "Decentralization and Community Participation in Public Education," Review of Educational Research 40(1): 135-150, February 1970.

The authors report that several researchers who have investigated group behavior concluded that group satisfaction, morale, production and participation, and levels of communication are all higher in small groups than in larger ones. When this investigation was applied to schools, Barker and Gump (1964) found that higher levels of student participation and morale correlated positively with small school size. Other studies have shown that even small size in districts, when school size is held constant, can enhance parent and teacher participation (Mort and Cornell, 1941).

The hypothesis that participation in decision-making is inherently good, because it leads to positive changes in human behavior, has been supported by most of the scientific studies on this topic for the last thirty years. For example, Lewin, Lippitt and White (1939) conducted a series of experiments in which children and adults performed tasks under three leadership conditions: democratic, laissez-faire and authoritarian. The members of the democratic group were more satisfied and enthusiastic about the task and produced more than authoritarian group members. These results were replicated in a number of studies cited by Verba (1961). The authors conclude that "research indicates that participation in decision-making enhances both the instrumental and affective realms of human behavior in complex organizations" (p. 140).

In schools, several studies have demonstrated that in participatory or democratic classrooms there was less hostility, less tension and sometimes greater learning (Flanders, 1951 and Faw, 1949). The importance of parental attitudes has been demonstrated by such studies as Cloward and Jones (1963), which showed that parental involvement with school affairs correlates positively with their judgments about the importance of education.

Davé, R. H., "The Identification and Measurement of Environmental Process Variables That are Related to Academic Achievement," unpublished Ph.D. dissertation, University of Chicago, 1963.

A study of the powerful effects of home concern for schooling and the parents' rewards for achievement in the educational progress of students.

Gittell, Marilyn, Beruke, Maurice R., Gottfried, Frances, Guttentag, Marcia and Spier, Adele, Demonstration for Social Change: An Experiment in Local Control, (New York, Institute for Community Studies, Queens College of the City University of New York, 1971).

In an evaluation of New York City's Intermediate School 201 and Two Bridges experiments in community control, the authors found that the two schools were able to maintain stable achievement on standardized reading tests at a time when scores were declining elsewhere in the city, primarily because of a teacher strike.

Guttentag, Marcia in Gittell, et al., Demonstration for Social Change.

The instrument used to measure sense of fate control in The Survey of Educational Opportunity was administered to black fifth graders in New York's community controlled I.S. 201. Contrary to Coleman's results, Guttentag found that the children were optimistic about their prospects for success. She suggested that the new atmosphere in the school caused by community control was related to the dramatic difference in attitude.

Hess, Robert D. and Shipman, Virginia C., "Maternal Attitudes Toward the School and the Role of Pupil: Some Social Class Comparisons," paper prepared for the Fifth Work Conference on Curriculum and Teaching in Depressed Urban Areas, New York: Teachers College, Columbia University, 1942.

The results of the study indicated that involving parents meaningfully in school activities would help the child develop better images of the school, the teacher and the role of the pupil.

Jablonsky, Adelaide, "Some Trends in Education of the Disadvantaged," IRCD Bulletin, 4:1-11, March, 1968.

From observations of compensatory programs in various parts of the country, the author concluded that the programs which involved parents and community members in educating the children were more successful.

Jarvis, Earl, Spears, Nancy and Mathis, Don, "Alert for Children," a position paper of the Naitonal Head Start Association, September 2, 1977, mimeographed.

The paper states the reasons for the organization's position that the Head Start program should not be transferred to the proposed Department of Education or other educational entity. It quotes a recent George Washington University review of hundreds of Head Start studies since 1969 and their conclusion that the program produces positive gains in self concept when there was a high degree of parent participation.

Jencks, Christopher, "The Coleman Report and the Conventional Wisdom," in Frederick Mosteller and Daniel Moynihan (eds.) On Equality of Educational Opportunity, New York: Vintage, 1972 (b).

Jencks reanalyzed the Coleman data for 285 urban elementary schools and found that having an active PTA correlated positively with student achievement.

Kifer, Edward, "Relationships Between Academic Achievement and Personality Characteristics: a Quasi-longitudinal Study," American Educational Research Journal, 12(2): 191-210, Spring, 1975.

The study demonstrated that students, particularly in the lower grades, who perceived their parents as having a high level of concern about their schooling have higher self esteem than those who think their parents are not concerned.

Lincoln, Eugene A., Briscoe, Lloyd W. and Williams, Dorothy K., "Parents Make a Difference in Teaching in Urban Schools," The Arithmetic Teacher, 22: 460-463, October, 1975.

A six-week program of joint tutoring of low-achieving fourth graders and their parents resulted in significant gains in computational skills.

Mayeske, George W., A Study of the Achievement of Our Nation's Students, U.S. Department of Health, Education and Welfare, Washington, D.C., 1973 (DHEW Publication No. (OE) 72-131).

When they examined the role played by family structure and stability in achievement, the researchers found the effect was relatively small

for white and black students, although larger for other minority groups. There was also a tendency for the effects to be greater for boys than girls. In looking for an explanation for the unexpectedly similar results for blacks and whites when the incidence of family disruption was greater for the former, they examined the effects of Family Process. This variable was found to have a large influence on three motivational variables which they viewed as intervening between the structural aspects of the family and student achievement. These were: a) the student and parent expectations for academic performance; b) the extent to which they engaged in activities supportive of these expectations and c) the student's attitude toward hard work as an antecedent of success and the benefits of education.

Having determined that Family Processes played a critical role in student achievement, the researchers tried to identify the most important aspects. They defined two groups of family process variables: Educational Plans and Desires (concerned with the student's long-range aspirations) and Other motivational Measures (focused on sources of short-term motivation). Some of these sources are expectations of performance, the student's outlook on life and activities supportive of high expectations, such as, reading to the student as a child, talking with the student about school work and so forth. They found that the Educational Plans and Desires group of variables was more powerful than Other Motivational Measures for males, while the reverse was true for females.

Another general finding of the study that the roles of Home Background and Family Process, when contrasted to School Characteristics, were "inextricably intertwined." The authors summed up these results as follows:

> "we concluded, then, that the crucial factor in achievement was not so much the presence or absence of parents or parental surrogates as the nature of their involvement in the educational process."

Mayeske, George W., A Study of the Attitude Toward Life of Our Nation's Students, Washington, D.C., U.S. Department of Health, Education and Welfare, 1973.

Among other results of this massive reanalysis of the Coleman data on educational opportunity was the author's finding that Family Process variables (including expectations for excellence, educational plans and desires and study habits) had a higher degree of relationship to the student's Attitude Toward Life than other variables. The parts of the Family Process variable which played the greatest role were the more immediate kinds of parental involvement such as reading to the young child and talking to students about their school work.

Mayeske, George W., A Study of the Achievement of Our Nation's Students, Washington, D.C., U.S. Department of Health, Education and Welfare, 1973.

This reanalysis of the date from the U.S.O.E. Survey of Educational Opportunity concluded that Family Process variables played a key role in student achievement. Three critical motivational variables were identified: 1) the student and parental expectations for academic performance; 2) the extent to which they engaged in activities supporting the expectations, such as talking about school work and 3) the student's attitude toward hard work as an antecedent of success and the benefits of education.

McDill, Edward L., Rigsby, Leo C., Meyers, Edmond D., Jr., "Educational Climates of High Schools: Their Effects and Sources," April, 1969, (ERIC ED 030 205).

In an intensive study of 20 high schools in eight states, the degree of parental and community interest in quality education was found to be the critical factor in explaining the impact of high school environment on the achievement and aspirations of the students.

McLaughlin, Milbrey Wallin, "Parent Involvement in Compensatory Education Programs," (Cambridge Center for Educational Policy Research, Harvard University, 1971).

The author discovered that successful Title I programs and parental participation covaried together, although it was not clear that the latter was a cause of the former.

Mowry, Charles, E., "Non-technical Report: Investigation of the Effects of Parent Participation in Head Start," (Denver, Midco Educational Associates, Inc., prepared for OCD, HEW-OS-72-45, November, 1972).

A national study of the effects of parent participation in Head Start programs which concluded that there was a strong relationship between high parent involvement and better performance on intellectual and task-oriented measures.

Rankin, Paul T., Jr., "The Relationship Between Parent Behavior and Achievement of Inner-city Elementary School Children." Paper presented at the 1967 annual meeting of the American Educational Research Association, New York City, February 18, 1967.

It was found that the mothers of low-achievement elementary school children in the inner city discussed school matters and initiated conferences with school officials much less frequently than mothers of high-achievement children.

Rempson, J.L., "School-Parent Programs in Depressed Urban Neighborhoods," in Robert A. Dentler, Bernard Machler and Mary Ellen Warshaver, The Urban R's; Race Relations As the Problem in Urban Education, (New York, Praeger, 1967).

The author cites six studies that associate increased achievement with participation in programs of planned contacts between parents and school personnel.

Roessel, Robert, A., Jr., "The Right To Be Wrong and the Right to Be Right," Journal of American Indian Education, 7:1-6, January, 1968.

As a result of policy changes giving parents on Indian reservations control over their public schools, student enthusiasm increased markedly.

Schiff, Herbert Jerome, "The Effect of Personal Contactual Relationships on Parents' Attitudes Toward Participation in Local School Affairs," Ph.D. thesis, Evanston, Illinois, Northwestern University, 1963.

The reading test scores of students in two groups were compared. The achievement of students in the experimental group, which had parent participation, was significantly higher than that of students in the control group.

Stearns, Marian Sherman and Peterson, Susan, et. al., "Parent Involvement in Compensatory Education Programs: Definitions and Findings," (Menlo Park Educational Policy Research Center, Stanford Research Institute, mimeographed, March 16, 1973).

Case studies of Follow Through programs between 1968 and 1970 were analyzed. The evidence suggested that there was a connection between the level of parent participation and the level of institutional change, and that involving parents as trainees and tutors can have positive effects on parents' attitudes about themselves and on children's IQ scores.

Willmon, Betty, "Parent Participation as a Factor in the Effectiveness of Head Start Programs,' The Journal of Educational Research, 62(9): 406-410, May-June, 1969.

The study investigated the effect of parent participation on children's achievement motivation as measured by the Metropolitan Reading Readiness Test. The largest gains were achieved by children whose parents were highly involved in the Head Start program.

MEMORANDUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
NATIONAL INSTITUTE OF EDUCATION

TO : Christopher Cross
House Education & Labor Committee

DATE: 10/6/77

FROM : Paul Hill, Chief Paul Hill
Compensatory Education Division

SUBJECT: Carl Marburgur's Testimony

Mr. Carl Marburgur of the National Committee for Citizens in Education has provided me with an advance copy of the testimony he will deliver today.

In his testimony Mr. Marburgur alleges that NIE has "inappropriately and. . .illegally guaranteed confidentiality to public officials, states, and local districts participating in the /Compensatory Education/ Study." Mr. Marburgur is correct in saying that NIE made some guarantees of confidentiality; he is wrong in saying that those guarantees were improper or illegal.

As you know, Congress asked NIE to obtain research information for use in legislative decisionmaking, not to identify specific instances of noncompliance or to assist in enforcement or advocacy efforts. The mandate did not authorize NIE to compel any persons or organizations to participate in the study. In order to obtain voluntary participation, NIE guaranteed most of our respondents that they would not be named or otherwise identified in our reports. Of the hundreds of people in organizations which participated in the study, only units in the Office of Education, the 13 demonstration districts, and the states which conduct their own compensatory education programs were named in the reports. The guarantee of anonymity encouraged participation in the study and made it possible for NIE to fulfill its mandate. Had we taken an "enforcement" orientation or supplied information to support adverse actions against people who participated in our research, it would have been impossible to fulfill the mandate. I therefore do not believe that NIE's actions in guaranteeing confidentiality were either improper or illegal.

Mrs. Polly Meader
9882 Pearl Street
Thornton, Colorado 80229

September 9, 1977

Senator Carl Perkins
Washington, D.C.
20510

Dear Sir:

I am writing this in regard to two of the regulations concerning ESEA Title I.

1.) According to the regulations, elections for Parent Advisory Council members are mandated. In the four years I have worked with this program I have yet to meet anyone who feels that this is necessary. Parents are concerned only with children--how they can help their own as well as others. We lose more parental help because of the election than what we gain. Title I is for helping those who need a boost--not a political position for adults. Many parents helped throughout the year who definitely did not want to be placed on a ballot.

2.) The regulation stating that 51% of the Parent Advisory Council members should be parents of children who are presently in the program or "will be" in the program. We do not know who "will be" in the program!

By changing the regulation to read "will be" instead of "have been", you are losing the support from parents who have already been in the program. Parents who have experience and understand all of the guidelines are certainly better helping new parents understand. New parents are not comfortable helping others and feel very uneasy when it comes to working on needs assessment and evaluation. When it comes to a budget, they normally say nothing, as they have no way of comparing.

Teachers are good in their first year; they are better in their second and continue to grow from then on. The same applies to parents in their position on advisory councils. After having spent the time and effort to train them, it is a shame to lose them so quickly.

In some ways we are a fairly small district. This then becomes an even harder task to keep your councils within the law.

Our district, I feel, is really outstanding in their parent involvement for Title I. I am sure it would benefit even more if the above two regulations were written differntly.

Sincerely,

Polly Meader

Polly Meader
Title I Parent Advisory
Council Chairwoman
School Dist. No. 12,
Adams County, Colorado

JACK T. BRINKLEY
Third District of
Georgia
[illegible] Rayburn House Office Building
Phone: [illegible]

Counties:
CHATTAHOOCHEE
CRAWFORD
DOOLY
HARRIS
HOUSTON
MACON
MARION
[illegible]

[illegible]
[illegible]
PEACH
SCHLEY
SUMTER
TALBOT
TAYLOR
TROUP
UPSON

Congress of the United States
House of Representatives
Washington, D.C. 20515

ARMED SERVICES COMMITTEE
Military Installations and Facilities
Intelligence and Military
Application of Nuclear Energy

VETERANS' AFFAIRS COMMITTEE
Housing—Chairman
Compensation, Pension and
Insurance Benefits
Cemeteries and Burial Benefits

Zone Whip

November 3, 1977

The Honorable Carl D. Perkins
Chairman
Subcommittee on Elementary, Secondary and
Vocational Education
B-346C Rayburn House Office Building
Washington, D. C. 20515

Dear Mr. Chairman:

Since hearings are currently underway on H. R. 15, the bill to extend the Elementary and Secondary Education Act., I would like to share with you the comments of Mr. Otis J. Abernathy, Superintendent of the Troup County School system in LaGrange, Georgia. Mr. Abernathy has concerns regarding the Title I requirements for Parent Advisory Councils and his correspondence is being forwarded for consideration by your Subcommittee.

Thanking you in advance for your consideration, I am

Sincerely,

Jack

JACK BRINKLEY
Member of Congress

ahw
Enclosure

Troup County Board of Education
OFFICE OF THE SUPERINTENDENT
COURT HOUSE ANNEX
LaGrange, Georgia 30240

October 26, 1977

Honorable Jack Brinkley
United States Congress
House of Representatives
Washington, D.C.

Dear Representative Brinkley:

It is our understanding that Congress will soon begin a thorough study of Title I of the Elementary and Secondary Education Act.

May we strongly urge that you seek and engage in a very careful study of the requirements regarding Parent Advisory Councils. While we agree very strongly with the concept of parental involvement, it is extremely difficult to meet the requirements of the law in a meaningful way, often because of the nature of the parents involved. Also it is questionable practice in our minds for Title I parents to be singled out as required by regulations and be expected to advise in isolation from other parents.

Quite often our school personnel spend more time with the clerical part of PAC's than in encouraging meaningful dialogue between schools and homes. This, we believe, defeats the purpose of PAC's.

We would appreciate your very serious consideration as you deliberate the future of Title I.

Sincerely yours,

Otis J. Abernathy

Otis J. Abernathy
Superintendent
Troup County Schools

OJA/mth

November 5, 1977
Box 201 Quaker Street
Millville Ma. 01529

Carl D.Perkins,Chairman
Congress U.S.House of Representatives
Subcommittee Elementary,Secondary
and Vocational Education
B-346C Rayburn House Office Building
Washington,D.C. 20515

Dear Chairman Perkins:

Please accept and record this letter with the other testimony received by the U.S.House of Representatives, Subcommittee on Elementary and Secondary Education Act,Title I program.

On Thursday October 6,1977 I was present in the audience during the "open session" of the U.S.House of Representatives, Subcommittee on Elementary and Secondary Education Act, Title 1.

I was denied permission from you to appear and be heard at this hearing because, the time alloted for five witnesses was already full. In my opinion to deny an individual the right to be heard is inexcusable.

I am also deeply concerned, disapointed and shocked with the actions of the Subcommittee in not extending to me the same courtesy and privilege that was extended to the sixth person that was allowed the opportunity to appear and testify before your Subcommittee on October 6, 1977.

I am sincerely grateful and appreciative for allowing and extending to me the opportunity to submit written testimony.

I have two regrets concerning my trip to Washington: 1.) Being unable to appear and testify before the Subcommittee on October 6. 2.) Being unable to see and visit more people.

I shall always treasure my visit to Washington. Everyone that I came in contact with made me feel most welcomed. The people that I was able to meet listened,understood and shared my concerns about Title I. Hopefully, they and your committee will be instumental in revising Title I for the better.

I also want your committee to know that my travel expenses for my trip to Washington were paid for by my family and not by Title I.

Your Subcommittee on October 6, did not hear and get both sides of the Title I issue - academic need verses the poverty criteria.

During the session your committee noted and commented that there was "feedback" coming from the audience. It would seem to me that if the committee wanted to learn more about Title I it would have been advantageous for them to extend and open the meeting to the audience for fifteen minutes.

After the October 6, meeting ended I approached and spoke to one of the committee members. The getleman I spoke to will remember me by the piece of paper I gave to him. It was a copy of an article placed on the Millville, Massachusetts, "Town warrant" by the local Title I Parent Advisory Council. Before the Parent Advisory Council submitted this article they asked for help from their Title I Director and school committee. The Parent Advisory Council at this time was unsucessful in getting their help and support. The gentleman I spoke with was "shocked" with just how far a parent will go in order to get help for their children. Parents should not have to go this far in order to help their children receive an education. I have enclosed a copy of this article for your review.

The reason I approached this committee member and offered this information was because, one of the persons who testified spoke about the important role "leadership" plays in parental involvement. In my opinion leadership plays only a very small part in getting parents directly involved. The concerns of a frustrated,angry and upset parent seeking help for her child plays a more significant role. Title I needs revision in the area of parental involvement. The Title I laws must be clearly spelled out in "black and white" in order for parents to get help for their children. Parents need your help and support.

Only a handful of parents are active on the local and state level.

A matter of sincere concern is the recent statement released by Senator Edward M. Kennedy. I'm told the Massachusetts Department of Education, Title I office supplied the Senator with this information. Senator Kennedy stated at the April, Title I state conference "that the federal program for educationally disadvantged students has suffered from an erosion of services due to inflation." He also mentioned that some 144,000 Massachusetts children are eligible for Title I services but, only 77,000 are being helped.

we know that the 77,000 Massachusetts children receiving Title I services have educational needs which have been identified and documented.

But, what about the needs of the remaining 67,000 Massachusetts children that are considered eligible ? From what I have seen examining Title I school records they (67,000 Massachusetts children) are considered eligible only because they reside in a Title I school district. This in my opinion is misleading. It gives people the impression that they are academically in need of Title I services. In essence they are considered eligible only because they reside in a Title I area. This is unbelievable! The educational needs of only the participating Title I children are being documented.

Please reveiw the outdated archaic Title I Application Form.

Your committee should be addressing the eligibility requirement.

Eligibility should be a child's academic need and not a residency requirement. Title I revision is needed badly in this area.

we must also document the needs of children who qualify for academic services but, are unable to participate because of insufficient Title I funding. Accountability and documentation is very important in order to improve the quality of education. This is not at the present time being done by Title I.

I have enclosed for your reveiw a recent newspaper article which states"approximately 240 children have been identified as eligible" This information was arrived at by multiplying the first 6 grades by approximately 40 students in each one of the grades.

There are welfare and Aid to Families with Dependent Children (AFDC) receiving no Title I funds because, they do not reside in a Title I school area. But, Title I uses their count (Welfare & AFDC) in the count in order to obtain more funds for other educational disadvantaged children that reside in their school district.

I'm told that Title I can do this because it is mandated by law. In my opinion as a concerned parent this is unbelievable!

I visited two schools in the same school district. They were nearly directly across the street from each other. One was a Title I school and the other wasn't. They are both in the same school district.

The non Title I school did not qualify as a Title I school because, the percentage of low-income wasn't as high as the percentage of children residing in the entire school district.

The Title I school was older and in my opinion more deplorable condition than the Title I school.

If you were a welfare or AFDC parent how would you feel and what would you do if you knew your child had a special educational need as defined by Title I who wasn't getting any help because the school he attends did not meet the Title I school eligibility criteria?

I'm sure you will agree that it would be even more upsetting to learn that as a welfare and AFDC parent your count was helping other children in your school district at the expense of your own.

This should not be allowed to happen.

Does a school district know which one out of the two schools in that district has the highest percentage of children with educational needs as defined by Title I? Sure they do!

This information is not part of Title I Comparability requirement. Comparability is defined in the National Institute of Education report as: Comparability is generally measured in terms of two ratios: pupil to staff and expenditures per pupil for instructional salaries."

There are 102 students enrolled in grades 1-3. Out of the 102 students tested 50 students were considered eligible for a Title I program.

They were found through a needs assessment program and through teacher recomendations.

49% of the children in grades 1-3 were in need of Title I services.

Children in grades 4-6 manifest the same characteristics as the children in grades 1-3. They will not be able to participate nor receive any Title I funds because, it is necessary to restrict the program to early elementary grades.

This presently is being allowed to happen. These children need your help with revising Title I

Schools with the highest percentage of children with academic need as defined by Title I (refers to children who are achieving one or more years behind the achievement expected at the appropriate grade level for such children) should be a Comparability requirement and determing factor for Title I funding.

If you were a parent of a child in need what would you do?

Schools are mandating more Title I funds should go to the children in the lower grades in order to prevent what is happening in the upper grades. Not all the childrens needs are presently being met in the lower or upper grades.

I am requesting for your consideration and support that you mandate a certain percentage of Title I funds for children in the upper grades. If you don't help them they will continue to be forgotten.

What do you tell a parent whose child is in the 5th grade that he is only capable of doing 2nd grade work? The only way they will get any help is if you see that they get a share of the Title I funds.

I read that California was under Court order to equalize its Title I school district funding. Do you have any available information concerning this matter? If you do, I sure would appreciate hearing from you.

"An important provision not included in the federal regulation is any guarantee that a parents have a right to appeal to the Office of Education (OE) if they are dissatisfied with the results of a complaint investigation completed by a state. OE is not presently obligated by the regulations to take any follow-up action with regard to state investigations,but complaining parties should still be sure to contact OE in writting to request a federal investigation if state procedures do not resolve their dispute.

I am requesting for your consideration an amendment to the federal regulations to read: "that the Office of Education shall be obligated to follow-up action with regard to state investigations.

The County of Worcester has a large number of "working poor" people who should be recognised and commended for their efforts and actions. Instead, they are forgotten by the present Title I formula.

The County of Worcester received $3,931,972 for local Title I educational agency programs for the school year 1977-78.

The City of Worcester received $1,569,627 - four per-cent of the State of Massachusetts allocation.

The Worcester Counties received $2,362,345 - six per-cent of the State of Massachusetts allocation.

Interesting to note that the County of Worcester Title I allocation was only ten per-cent of the State of Massachusetts allocation of $38,152,384.

What does this information tell you about the County of Worcester? Hopefully, it tells you that our poverty count is low and this is why we receive so little in Title I funds.

We don't have a high poverty count but, we still have our share of problems.

Example: A Title I school in Worcester County was visited by a former Massachusetts Commissioner of Education and called the "school deplorable" This information doesn't help us get more Title I funds.

The per-captia income in Worcester County is $4,472. Worcester County falls below the state of Massachusetts level, $4,755. It is also the sixth poorest county in Massachusetts. Worcester County is a "working poor" county. This information doesn't help us get more Title I funds for our children.

We have in Worcester County a school with 49% of the children in grades 1-3 in need of Title I services. This information doesn't help us get more Title I funds for our Children.

I am aware that the "States" are and will be playing politics with our children's educational needs. They are concerned only with the formula that will give their state the most in Title I funds.

Hopefully, the politics will be taken out of Title I this year. We must and should be caring about what is happening from the state to the local level.

Please also give some cosideration to amending P.L.-142 The Handicapped Bill. to include the Title I children.

I wish to share with you something I heard from one of the speakers at the New England Regional Title I Conference, Newport, R.I. "there should be no such a thing as a poor school in America. Are we fostering poor schools with Title I ?"

Title I has been good to our children. But it is now time to make it better.

Thank you.

(Mrs.) Joan Garceau, Worcester County, Delegate
Massachusetts State Parent Advisory
Council

PART 16: SERVICES AND STUDENT DEVELOPMENT

TUESDAY, OCTOBER 18, 1977

House of Representatives,
Subcommittee on Elementary, Secondary,
and Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:30 a.m., in room 2175, Rayburn House Office Building, the Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Members present: Representatives Perkins, LeFante, Heftel, Kildee, Quie, Buchanan, and Pressler.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Chairman Perkins. The committee will come to order.

The Subcommittee on Elementary, Secondary, and Vocational Education is continuing hearings today on H.R. 15, a bill to extend certain expiring elementary and secondary education programs for five years.

For the next few weeks our hearings will focus on programs offered in local school districts under Title I of the Elementary and Secondary Education Act. This week our particular attention will be on the services provided and the student development achieved in these local programs.

Title I is the major program of Federal assistance to elementary and secondary schools, serving 14,000 school districts and 5.5 million children. The purpose of the legislation is to provide aid to school districts with concentrations of low income children to improve the education of educationally deprived children.

When the committee last amended the Act in 1974, we attempted to assess whether the programs were meeting this goal, but were disappointed by the lack of information regarding the nature of the services provided and their effects on participating children.

As a consequence, the Education Amendments of 1974 directed the National Institute of Education to conduct a large-scale study of compensatory education programs. One of the six reports resulting from this study describes the nature of the compensatory education services offered, and a second report describes the effect of these services on student development.

We are pleased to welcome Dr. Paul Hill and Dr. Iris Rotberg, Director and Associate Director of the NIE study, to testify this morning on these two reports.

I would like to commend you and other members of the NIE staff who worked so hard to provide these high quality reports to Congress in such a timely fashion. I know your work will be invaluable to us as we consider legislation to extend and amend the Title I program.

Section 151 of the Title I legislation also authorizes funds to be used by the commissioner for local, state and national evaluations of the impact of Title I.

We have here today Dr. John Evans, Office of Planning, Budgeting and Evaluation, U.S. Office of Education, who will discuss these and other evaluations of Title I funded by the Office of Education.

We likewise have Dr. Patricia Graham, the new Director of the National Institute of Education.

Dr. Graham, I understand, wants to introduce the two witnesses. Come around, Dr. Hill and Dr. Rotberg.

STATEMENT OF PATRICIA ALBJERG GRAHAM, DIRECTOR, NATIONAL INSTITUTE OF EDUCATION

Dr. **Graham**. I am Patricia Albjerg Graham, Director of the National Institute of Education. It is my pleasure to introduce Dr. Paul Hill and Dr. Iris Rotberg, who were responsible for the formulation and implementation of the NIE Compensatory Education Study.

I have great confidence in the research which was conducted under their management, in its conclusions, and in the techniques that were used to obtain information relevant to national educational policy. I hope the findings will be of use to you in your deliberations.

Thank you.

Dr. **Hill**. Thank you, Mr. Chairman.

Chairman **Perkins**. Without objection, all prepared statements will be inserted in the record. Go right ahead.

STATEMENT OF PAUL T. HILL, DIRECTOR, AND IRIS ROTBERG, ASSOCIATE DIRECTOR, COMPENSATORY EDUCATION STUDY, NATIONAL INSTITUTE OF EDUCATION; ACCOMPANIED BY JOY FRECHTLING AND MARGOT NYITRAY, NATIONAL INSTITUTE OF EDUCATION

Dr. **Hill**. Thank you, Mr. Chairman. I am Paul Hill, and for the past three years I have been the Director of the NIE Compensatory Education Study. Today I have asked three other people to accompany me.

Dr. Iris Rotberg, to my right, has been the Associate Director of the study and has had major responsibilities throughout it. Dr. Joy Frechtling at the far left, and Dr. Nyitray at the far right have been the major research manager of the areas we are discussing today, compensatory services and effects on students.

Dr. Frechtling has taken general responsibility for studies on student development, and Dr. Nyitray has written the one particular report on the services in Title I.

Our subject today is services and student development. Before I ask Dr. Rotberg to make that presentation, I would like to make a few remarks on the overall study from which these parts are drawn.

My initial comments are based on a supplemental statement for the record that gives an overview of the study.

[The statement and supplemental statement follow:]

STATEMENTS OF PAUL T. HILL
DIRECTOR, COMPENSATORY EDUCATION
STUDY, NATIONAL INSTITUTE OF EDUCATION

AND

IRIS C. ROTBERG
ASSOCIATE DIRECTOR, COMPENSATORY
EDUCATION STUDY

BEFORE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY,
AND VOCATIONAL EDUCATION
COMMITTEE ON EDUCATION AND LABOR
UNITED STATES HOUSE OF REPRESENTATIVES

OCTOBER 18, 1977

STATEMENT OF PAUL T. HILL, DIRECTOR, NIE COMPENSATORY EDUCATION STUDY BEFORE THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION, COMMITTEE ON EDUCATION AND LABOR, HOUSE OF REPRESENTATIVES, OCTOBER 18, 1977

Mr. Chairman, members of the subcommittee, I am Paul Hill, Chief of the Compensatory Education Division of the National Institute of Education, and I am pleased to have this opportunity to participate in the hearings on the services provided under Title I of the Elementary and Secondary Education Act.

For the past three years, I have directed a major study of Title I, requested by the members of this Committee in 1974. I am accompanied this morning by three colleagues who played major roles in the implementation of that study: Dr. Iris Rotberg, the Associate Director of the Study, Dr. Joy Frechtling, who assumed major responsibilities for examining the services provided under Title I and the effects of those services upon student achievement, and Dr. Margot Nyitray, who directed the studies focusing exclusively upon Title I services.

Mr. Chairman, before Dr. Rotberg discusses NIE's specific findings regarding the services funded with Title I, I do want to say a few words about the overall study. I do so because the information we will present today represents but one part of the NIE evaluation, and I consider it essential that our findings on Title I services be placed in the context of the broad program of research we have completed.

As many members of this Committee are aware, when Congress extended the Elementary and Secondary Education Act in 1974, there was considerable debate about whether or not Title I had achieved the goals Congress intended when the legislation was enacted in 1965.

This Committee, feeling the need for additional information on the effectiveness of Title I, requested that NIE conduct a comprehensive three-year study of Title I. I think it significant that, in order to insure that an adequate and objective report be presented, the Committee stipulated that $5 million for each of three years be provided for the study out of the regular Title I appropriation, and that NIE be the agency responsible for the evaluation.

Were I required to compress all of the data and information we have collected into one sentence, I believe it would be safe to say that Title I is working as Congress intended it should.

Congress intended that Title I direct funds to areas with high numbers of low-income children. We found that the program is effective in doing so. Indeed, Title I is more effective than other Federal or state aid programs in increasing educational expenditures at the local level.

Congress intended that Title I funds be used to provide special additional services to eligible children. We found that Title I does make an important contribution to the educational experience of educationally disadvantaged children.

Congress intended that the end result would be to promote the development of students receiving services, particularly in increasing their academic achievement. Our studies indicate that well-planned, stable compensatory instructional programs can indeed enhance student achievement.

The picture is not completely positive. There are problems in the Title I funds allocation process; Title I services could be improved in many places; and the program could be more effective in enhancing students' achievement. But the problems we have identified show that the program can be improved and indicate some promising areas for change.

I should point out that the evaluation strategy we followed differed considerably from most prior efforts to evaluate Title I. As you know, most prior Title I evaluations have concentrated almost exclusively upon the question of whether or not the achievement of Title I children improved.

That is clearly an issue of central importance in any evaluation of Title I. Although the statute itself says very little about student achievement, the evaluation requirements, which former Senator Robert F. Kennedy incorporated into the legislation, made it plain that the improvement of student achievement was one of the program's primary goals.

However, Mr. Chairman, it appeared to us that evaluators have erred in at least two ways by concentrating exclusively upon student achievement.

First, evaluating achievement alone does not give a full accounting of whether or not the program has met all of the goals intended by Congress.

Second, it is impossible to validly assess the program's effects on student growth without first having documented that the children whose achievement growth is measured actually received a special instructional service. Many Title I students receive special mathematics instruction, and not reading. Thus, for example, measuring their reading gains is not a useful way of assessing what Title I has done for them. In general, it is essential to document the ways in which Title I programs are implemented before deciding how to measure their effects on children's growth.

Our approach to evaluation has been to try to understand how the Title I program operates, in order to assess its accomplishments and to identify areas in need of improvement. We examined four major areas in evaluating the Title I program as it now exists:

(1) Funds allocation--do Title I funds actually flow to the kinds of places which Congress intended?

(2) Services--are special services that can be considered additional, or distinctive, or improved, actually provided to participating children?

(3) Student development--does the program have any effect on the achievement of participating children?

(4) Administration--do administrators at the Federal, State, and local levels share a common perception of what they are trying to accomplish?

We also investigated two additional questions which were of great interest in the 93rd Congress: the effects of altering the definition of poverty used to allocate Title I funds, and the effects of using counts of low-achieving children, and not low-income children, to allocate funds to and within school districts.

Mr. Chairman, I know that today's hearing will focus on Title I services, and that future hearings will be concerned with funds allocation and administration. The rest of NIE's testimony in today's hearing will be delivered by Dr. Iris Rotberg, who will report our main findings about the services provided under Title I and their effects upon student achievement. The supplemental statement attached to our testimony gives a broad summary of the results of our whole study.

STATEMENT OF DR. IRIS ROTBERG

Mr. Chairman, my discussion of Title I services will focus upon:

- o the scope of the program;
- o the nature of the services provided with Title I funds; and
- o the effects upon the achievement of participating students.

Many of our findings in these three areas are positive. I shall first note our positive findings in each area, and then identify some of the problems in the implementation of Title I services which our research revealed.

SCOPE OF THE PROGRAM

Our analysis of Title I services focused upon the manner in which local educational agencies used the grants they received under Part A of Title I, which was funded at $2.25 billion in Fiscal Year 1978.

Nine out of ten of America's school districts receive Title I funds. Those funds are mostly used in the elementary grades, where 20% of elementary school students, or almost 6 million children, receive compensatory education services. These students spend, on average, about one-fifth of the total time available for learning in compensatory instruction.

Moreover, the salaries of approximately 8% of all elementary school teachers, and 54% of all teachers' aides in Title I districts are paid entirely with Title I funds.

The main focus of the program is on instructional services. Fully three-quarters of the funds received by districts are used to provide instructional services. Administrative expenditures are not high. We estimate that only 7% of the Title I funds spent by LEAs is used for administration.

The focus on instruction is much greater now than it was in the early days of Title I. We found that districts are using less than 5% of their Title I funds on non-instructional or auxiliary services. Of all non-instructional services, only the activities related to Parent Advisory Councils are receiving a growing share of Title I funds.

School district personnel have told NIE that they believe that this strong emphasis on basic skills is appropriate, and that the program is still flexible enough to permit educators to meet pressing non-instructional needs, should they arise.

Of the money spent on instructional services, the largest share is devoted to reading and language arts. Almost two-thirds of the instructional budget in Title I is devoted to these two areas, with approximately one-fifth being devoted to mathematics.

NATURE OF THE SERVICES

Mr. Chairman, describing the services provided tells us very little about whether or not the services are special, or additional, as Congress intended. It is possible, after all, that the districts merely use Title I funds to pay for services which they would have provided anyway without Title I.

We examined the data collected in several studies and concluded that Title I provides important services which represent real additions to the educational experiences of participating children. It appears to us that the special requirements which Title I imposes on the use of funds by schools have been effective in insuring that supplementary services really are provided to educationally disadvantaged children.

In looking at how Title I adds to the education of participating children, we examined class size, time spent in instruction, teacher qualifications, and the degree to which compensatory instruction is individualized.

We found generally encouraging evidence in all four areas. More specifically:

- Compensatory education students spend an average of 5 1/2 hours per week in special instruction. That amounts to 29% of total instructional time for students in reading, 22% for students in language arts, and 27% for those in mathematics.

- Class sizes are small. They average 9 students in compensatory reading and 12 in mathematics and language arts, compared with 27 in homeroom classes.
- Professional teachers who deliver compensatory instruction are often specially trained. 67% have graduate training beyond a bachelor's degree, and 62% specialize in teaching one subject. Teachers' aides deliver a substantial portion of compensatory instruction. More than half the aides employed nationwide are paid from Title I funds.
- Many school districts attempt to individualize their instruction, although few districts offer instruction that could be considered individualized in all respects.

In addition, Title I students usually receive more time in basic skills instruction than their classmates who do not receive compensatory education services. Compensatory education students also are taught in smaller groups; and they are more likely to receive their instruction from specially trained staff.

Title I students in most of the school districts we studied are receiving a distinctive educational program. The program is planned and managed to complement regular instruction; it is not merely an indistinct, random or shifting assortment of extra teachers.

STUDENT ACHIEVEMENT

We looked at the question of how effective these services are in promoting the achievement of the participating children. Our "Instructional

Dimensions Study" was designed to examine the effectiveness of individualized instruction and other instructional techniques.

The study indicates that compensatory services can be extremely effective in enhancing the achievement of compensatory education students. First graders in the sample made average gains of 12 months in reading and 11 months in mathematics in the seven month period between fall and spring testing. Third graders gained 8 months in reading and 12 months in mathematics. The gains exceed those reported in the most encouraging recent evaluations of compensatory instruction.

These results are important because they show that students who are initially low-achieving can benefit from compensatory instruction. Our findings are much more encouraging than many earlier evaluations of compensatory instruction, which generally found little evidence that Title I participants were making achievement gains. We still cannot conclude that all compensatory education students are gaining as much as the ones who participated in the Instructional Dimensions Study. For that study we selected programs to represent the particular instructional techniques whose effectiveness we were trying to assess, rather than selecting a national random sample of Title I programs. The programs we studied were operating in a reasonably representative cross-section of school districts, but they were probably better-implemented and more stable than the average Title I programs.

In general, our results do not show that Title I instruction is effective everywhere, or that the many problems observed in the past about the quality and stability of instructional services have been solved. But they do show that school districts can create the conditions necessary to make compensatory instructional services work.

Mr. Chairman, though our findings about Title I services are generally positive, the Committee should be aware of several problems.

SCOPE OF THE PROGRAM

First, because of limitations on Title I funding only approximately two-thirds of the students considered to need services in eligible elementary schools are actually served. In addition, fewer than 1% of high school students receive Title I services, although the program was designed for both the elementary and secondary levels.

Although approximately 20% of the students in public elementary school receive Title I services, less than 5% of the students in private schools receive them, and those students receive considerably less time in instruction than public school students.

Because of limited funding, most school districts can serve only children who score well below the 50th percentile in achievement. Students whose performance is just below average and who might achieve at average or above average levels with special services usually do not receive these services. Similarly, it is often not possible to keep children in the program after they begin to make achievement gains because there are more needy children who require services.

These problems are particularly severe in districts with the highest concentrations of poor children. Although these districts receive larger Title I grants than more affluent districts, they receive less money for each poor child. Therefore, these districts can serve only a very limited proportion of their low-achieving students.

The likeliest use of additional funds is to extend services to eligible children who do not get them now. Services to all elementary students eligible under current standards would require about a 50%

increase in funding. Extension of services to eligible secondary school students would require another substantial increase in funding. Such extensions would reduce the apparent inequities in the distribution of Title I services within and across school districts, and ensure that students were not arbitrarily dropped from compensatory instruction when they leave the early grades.

NATURE OF THE SERVICES

The fact that Title I provides more and different services to disadvantaged students is generally a good measure of the program's quality. But the way that distinctiveness is achieved can create problems. Data from our national survey show that 75% of children who receive Title I reading instruction are pulled out of their regular classrooms. There would be no problem if pullout instruction were dramatically more effective than compensatory mainstream instruction. But our data show that some students gain more from compensatory mainstream instruction. Students in the first grade in the Instructional Dimensions Study gained most when they received compensatory instruction in their regular classrooms. The results for third graders were mixed. Their greatest gains in mathematics achievement occurred in pull-out settings, but their gains in reading were equal in both pull-out and regular classrooms.

These findings are explained at least in part by the difficulties in selecting students for pull-out instruction at the first grade level. First graders whose fall test scores are low may simply have had less preschool training than their classmates. They may need more instruction than higher-scoring children, but the instruction need not be completely different or separate from the instruction provided in the regular classroom. Compensatory instruction for first graders may thus be best in the mainstream setting.

Pullout instruction can definitely help some students. By third grade, low-achieving children are apparently able to benefit from the intense and distinctive instruction usually delivered in pullout settings. Our Instructional Dimensions Study shows that pullout and mainstream reading instruction are equally effective for third graders, and that pullout mathematics instruction is more effective than mainstream.

Quite apart from the issue of pullout versus mainstream instruction is the fact that many compensatory education students are assigned to homerooms exclusively with other compensatory education students. Those students--1/4 of all compensatory education students--are separated from higher-achieving students even for their regular instruction. This, of course, is not required by Title I, and it is not a necessary concomitant of compensatory instruction, either pullout or mainstream.

STUDENT ACHIEVEMENT

Mr. Chairman, lest the positive results of our study on student achievement be misinterpreted, I do want to stress that problems remain. First, our studies show that the quality and intensity of Title I services are not uniformly high in every district. In fact, in some districts, compensatory students receive less total time in reading than do non-Title I students; in others, there is little evidence of clear planning or specific instructional goals.

Careful planning and implementation are essential to the success of compensatory services. The successes reported in our Instructional Dimensions Study reflect the stability and good planning of the programs we observed. We did not find that any one curriculum or instructional approach was uniformly superior, but we did find that stable, carefully operated programs were generally effective.

Local planning and management appears to be the most important ingredient of successful programs. Our studies also show that the best way to encourage such planning is to increase the amount of direct help and advice provided to school districts. Providing that help is primarily the responsibility of State Education Agencies. Our study of state administration, which we shall discuss next week in our testimony on administration, revealed that some states are very active in this area, and others are not.

Two more comments are required to keep our encouraging findings in perspective. The students whose gains we measured in the Instructional Dimensions Study scored around the 16th percentile at the beginning of the school year. Although they made impressive achievement gains during the year, their average scores at the end of the school year remained well below the 50th percentile.

Finally, some studies have found that part of the school year gains are not maintained through the summer. A subsample of the students from the Instructional Dimensions Study are being retested in the fall of 1977 to assess the stability of the gains we observed.

Mr. Chairman, that concludes our prepared testimony on the services provided under Title I and their effects on children. We are grateful for the opportunity to present the results of our studies, and will be pleased to answer any questions you and the members of the Committee might have.

SUPPLEMENTAL STATEMENT OF PAUL T. HILL, DIRECTOR, COMPENSATORY EDUCATION STUDY, NATIONAL INSTITUTE OF EDUCATION, ACCOMPANIED BY IRIS C. ROTBERG, ASSOCIATE DIRECTOR, COMPENSATORY EDUCATION STUDY, OCTOBER 18, 1977

Mr. Chairman, I am pleased to have this opportunity to present the principal findings of the study of compensatory education which has been conducted at the National Institute of Education for the last three years.

As the members of this committee are aware, Congress directed NIE to conduct a comprehensive study of compensatory education in the 1974 Education Amendments. The legislation also directed that $5 million be set aside each year from the regular Title I appropriation for the purposes of the study.

In accordance with the terms of the legislation, NIE submitted an interim report on the progress of the study last December 31 and another interim report last month. In fact, September's "interim report" was actually a series of six reports which the Institute began issuing in July.

In my presentation today, I wish to draw upon the major findings included in those reports. More specifically, I want to focus upon three principal issues which the legislation asked that we address:

--the effectiveness of the current Title I program as a device for improving the education of low-achieving children in low income areas;

--how the current funding patterns of Title I would change if the definition of low-income incorporated into the formula were altered; and

--what would happen if counts of low-achieving children, as opposed to low-income children were incorporated into the formula.

EFFECTIVENESS OF THE CURRENT PROGRAM

Turning now to the first of my major themes--the effectiveness of the current Title I program--I want to point out that our study followed the evaluation logic which I have just outlined.

We examined four major areas in evaluating the Title I program as it now exists:

(1) Funds allocation--do Title I funds actually flow to the kinds of places which Congress intended?

(2) Services--are special services that can be considered additional, or distinctive, or improved, actually provided to participating children?

(3) Student development--does the program have any effect on the achievement of participating children?

(4) Administration--do administrators at the Federal, State, and local levels share a common perception of what they are trying to accomplish?

In our reports we called the first three of these areas the "fundamental purposes" of Title I.

I want now to touch upon our principal findings to date in each of these areas.

FUNDS ALLOCATION

Mr. Chairman, our analyses of the distributional effects of the Title I formula indicate that the formula generally meets the purposes intended by Congress, namely to direct funds to areas with concentrations of low-income children. Moreover, we have found that Title I is far superior to other Federal or state funding programs in terms of its redistributive impact as well as its capacity to increase educational spending at the local level.

Looking first at the areas which receive most Title I funds, we found:

o The largest proportion of Title I money is directed to the kinds of places with the most low-income children: large central cities, rural areas, and places with high proportions of minority group children. Although Title I funding constitutes less than 5% of all spending on elementary and secondary education, Title I often accounts for one-sixth of the funding in the very poorest school districts.

o Counties in the South, and in the Middle Atlantic States, receive more money under Title I (38% and 9% respectively) than they would if the formula were simply based on school-aged population or enrollment. This situation in the South is a result of the region's heavy concentrations of low-income children; in the Middle Atlantic states it results both from the numbers of low-income and other formula-eligible children and from the relatively high level of educational expenditures in Middle Atlantic states.

- The average amount for each formula-eligible child at the county level reflects the average expenditures of the States in which the counties are located. Urban and Northeastern counties receive the most money for each formula-eligible child; rural and Southern counties, the least.

Title I and Other Education Aid

We also compared Title I to other Federal and state funding programs to see which of the three had the greatest effects on educational spending at the local level and to assess whether Title I was more or less effective in directing funds to places with the lowest income populations and the most limited tax bases.

Title I aid per pupil in the lowest income school districts is five-and-one-half times as great as aid per pupil to the highest income districts. The program, therefore, has a distinct redistributive effect. In fact it redistributes money to low-income areas more effectively than any other Federal program of aid to jurisdictions. Title I also provides slightly more money to districts with small local tax bases than to districts which are able to provide high levels of local spending. Title I's capacity for equalizing local expenditures is limited by the cost factor provisions in the formula, which make per-pupil grants contingent upon state expenditures.

Formula Elements

Our report on funds allocation also includes a number of analyses of the major elements of the current formula--for example, the effects of the cost factor and various categories of formula eligible children. I will not here go into all of those findings except to note that the inclusion of AFDC counts, as well as neglected, delinquent, and foster counts, generally seems to benefit more urbanized areas.

Moreover, the cost factor which weights each county's allocation according to its state's average per-pupil expenditure, benefits areas which are already spending large amounts of money on education at the expense of those spending less. Those are generally in Northern and urbanized states. However, the 80 and 120% limits on the cost factor mitigates this effect.

The picture of funds allocation is generally positive and appears to reflect the funding patterns which Congress intended. That should not, however, be interpreted to mean that we found no problems. Indeed, we found several.

First, counties with very high proportions of formula-eligible children receive less per eligible ($164) than counties with relatively smaller proportions of formula children (215). This results from the fact that the counties with the highest proportions of eligible children are located in low-spending states, primarily in the South.

Subcounty Allocation

Second, we examined a number of problems in the system by which states allocate county grants to school districts within counties--a process referred to as subcounty allocation.

Although on average allocations to school districts closely reflect the distribution of poor children, we found that states which entirely ignore Census counts of low-income children, as defined by the Orshansky Index, shift considerable amounts of money among their school districts. As much as 16% of Title I funds in some states would shift among districts within counties if the Federal statutory formula were substituted for current state procedures.

In particular, in states which now emphasize AFDC counts for subcounty allocation, imposition of the Federal formula would probably help school districts with poverty concentrations in excess of 20%. It would do so, however, at the expense of central cities and districts with high concentrations of minority students.

The subcounty problem is an example of an issue which crops up again and again in examining Title I funds allocation--the difficulty of implementing procedures which are uniform and stable among states and school districts and which, at the same time, use current data. This problem arises at the school level and child level as well. If schools were ranked each year, some schools eligible this year might not be eligible next year. To meet this problem, Congress in 1974 adopted the three-year hold-over provisions. Similarly, students might be eligible one year and not the next if the achievement rates in a school changed dramatically.

Within-District Allocation

Mr. Chairman, the final issue in funds allocation to which I wish to draw the committee's attention has to do with the distribution of Title I funds within districts. The intent of the legislation as we read it is to provide services in schools with the highest concentrations of low-income children.

We found that there are strong pressures to increase the numbers of schools being served, and that the goal of concentrating on the lowest-income schools is not being met effectively. A number of procedures--some of them statutory and others embodied in regulations--have greatly increased Local Education Agencies' flexibility in identifying schools to receive Title I services. Though each of the sources of flexibility can be seen as desirable in itself, taken together they greatly reduce the concentration of Title I funds.

In our national sample of school districts, district officials report that 68% of their schools are eligible for Title I funding. It appears that school districts are using several sources of data to determine school eligibility, and deeming eligible any school which is eligible under any of the data sources.

In theory, a second process is supposed to be involved in determining which schools in a district should receive services--from among those eligible, districts are supposed to "target" specific schools. However, in practice, targetting as a separate step seems to be nonexistent. We found that 94% of the eligible schools are targetted so that 62% of all schools in Title I districts provide Title I services. (Our estimate may be slightly conservative. The Decima Corporation, which is conducting the Title I "participation" study mandated in P.L. 93-380, has recently estimated that 68% of the schools in Title I districts receive Title I services.)

Finally, there appears to be very little consistency in how districts determine the levels of funds and services to provide to each Title I school. Some districts base their decisions upon the number of low-income children in the targeted schools, but a great many others rely on a fundamentally different standard, i.e., the number of low-achieving children in each of the schools. Still other districts use very vague estimates of where the "need" is greatest.

In summary, with regard to funds allocation, Mr. Chairman, the allocation system appears in general to work as would be expected to the county and even to the school district level. Within some individual states, subcounty allocation procedures alter the distribution of funds intended by the Federal formula.

That could be corrected, but doing so would require states to use less up-to-date information than they now use. The within district allocation procedures are especially loose. Local Education Agencies are using the flexibility now provided by the statute and regulations to deliver services in schools which have relatively low concentrations of low-income children.

ADMINISTRATION

Mr. Chairman, our evaluation of Title I included the first large scale examination of the administration of the program.

The report which we issued on the several studies funded as part of the administration examination has been interpreted widely in the press and elsewhere as being highly critical of the current administration of the program.

Indeed, the report is critical of certain aspects of the present administration of Title I. That fact, however, should be balanced by our assessment that the Federal Government's approach to the management of the program is fundamentally sound. The regulations governing the use of Title I funds by school districts are reasonably effective in guaranteeing that funds will be used to provide special educational services to disadvantaged children. As long as such a special use of Title I funds is intended by Congress, such regulations are needed to counterbalance the pressures on LEAs to use Federal funds for general aid or tax relief. The existing regulations do not place undue restrictions on state and local educational policy.

In addition, HEW's efforts to verify that the regulations are observed in practice are appropriate. They consist of program review visits to a few districts each year, and fiscal audits in a few others. The results of these site visits and audits can provide guidance even to districts which are not visited. This system does not require a massive federal enforcement effort, and it does not place heavy burdens on the states or LEAs. As I shall discuss below, HEW may not be implementing this system on a large enough scale, or with enough consistency, to make its effects felt throughout the educational system.

There are many problems with the ways in which HEW conducts the day to day management of the program. Still, Title I administration is probably better now than at any time since the program was enacted.

In the early years of the program local administrators thought they could use Title I money as general aid. Most now know that they cannot.

In the early years of the program, special services were not, according to some early evaluations, being provided to the target population. As my discussion of Title I services will indicate, that is no longer the case.

Finally, the legal framework specifying how Title I funds should be used has been greatly strengthened since 1970 by this committee as well as by those responsible for expanding the statute with regulations.

The results of this activity has been that state and local educators interviewed by NIE unanimously expressed the opinion that Title I has helped reverse an historical pattern of American education--the neglect of the poor and disadvantaged by our school systems--and, in fact, encouraged states and localities to commit their own resources to these neglected groups.

Legal Framework

We examined the legal framework governing the use of Title I funds to find out if it was internally consistent, flexible, and clear and, if not, how these problems affected the implementation of Title I programs in local districts.

In general, we found the following:

-- the legal framework, made up of the statute, the regulations, and the letters of advice to states and school districts is, on the whole, consistent. None of the regulations or letters of advice conflict with the statute nor with each other.

-- the flexibility of the framework is evident in the fact that school districts can develop widely different programs to meet the needs of educationally disadvantaged children. Moreover, the Title I legal framework has not prevented states wishing to implement their own state compensatory education programs from adopting widely varying programs. The only exception to the latter observation appears to be the state of California, whose Early Childhood Education program has different funding objectives from Title I and therefore is difficult to reconcile with the Title I legal framework.

-- However, the clarity with which the framework is presented to state and local personnel leaves a great deal to be desired, and has led to some considerable confusion in the field.

The language of the framework as it relates to state responsibilities, as well as to district implementation, is simply not adequate for meeting the needs of state and local officials. In fact, to develop an understanding of the Title I requirements currently requires a greater degree of legal scholarship and practical experience than many state and local officials have been able to attain.

Our report, for example, points out that many states are unclear about their responsibilities with respect to auditing local expenditures as well as enforcing sanctions if audits indicate the misuse of Title I funds.

It also points out that some states and districts have defined what constitutes an acceptable program in the narrowest possible sense in order to avoid audit violations. In some areas, for example, the provision of special services in the regular classroom is forbidden and students are pulled out of class for their compensatory instruction because state and local officials believe they are required to do so. However, there is no such requirement in the statute, the regulations, nor in any letter of advice we have seen.

Disagreement Within OE

Mr. Chairman, I want to make two other points about the administration of Title I. The first concerns the day-to-day management of the program by the Office of Education. As our report on the administration of compensatory education makes apparent, there has been significant dispute within the Office of Education about the appropriate role of the Federal Government in monitoring Title I expenditures. More specifically, the dispute focused on how the government should implement the provisions of Title I requiring that the funds supplement and not replace local funding.

On the one hand, officials in the Division for Education of the Disadvantaged (DED) and those in the HEW Audit Agency, believed in aggressively implementing these requirements in order to guarantee that Title I students and individual educationally deprived children receive supplementary services.

On the other hand, the Office of the Associate Commissioner for Compensatory Education Program, which supervises DED, has rejected many of the tests for compliance used in Title I program reviews and audits. In addition, the Associate Commissioner's office has held that the supplementation guarantees could be enforced only to the level of the school, not the individual child.

This tension is a present-day version of the conflicts which predated enactment of ESEA, the degree to which the Federal Government should act to guarantee that funds are used for educationally disadvantaged children. This disagreement has had very serious consequences for federal administration of Title I: enforcement of the supplementation guarantees has been declining in the past several years. States and districts have not received consistent advice, and they have been increasingly unsupervised in the use of Title I funds.

State Administration

My second point has to do with the administration of the program by states. We found that states take a wide variety of approaches to Title I and that some are remarkably more active and effective than others in dealing with their school districts. The more effective states were generally those which used a large proportion of their Title I administrative money for hiring staff. Those states were generally able to play a significant role in providing guidance and assistance to local districts. States which spent the funds for contractors and part-time consultants were generally less effective.

We believe, therefore, that the most effective way to help states to provide good management is to encourage states to use their Title I administrative funds to hire more staff. For some states, this might require expanding the size of the administrative setaside, which Title I provides. However, it is not clear that the amount of administrative funding is the key point. Some states that receive the minimum administrative setaside of $150,000, have invested it heavily in staff. Others, with more money, have not. Some states spend major parts of their administrative setasides on items that do not promote close or frequent contacts with school districts; in fact states are able to negotiate indirect cost rates, and some SEAs take as much as 35% of the total setaside for indirect costs, according to one state Title I director.

SERVICES

Mr. Chairman, I turn now to the services funded under the Title I program and to the effects of those services upon the children receiving them. This has been the area which has received the greatest attention in past evaluations of Title I.

In general, it appears that Title I funds are used to provide real additions to the educational services provided to participating children.

Our national survey indicated that three-quarters of the funds spent on services are used for instructional services. Auxiliary or non-instructional services, except for Parental Advisory Council-related programs, appear to have declined.

Although there is considerable variation among school districts, compensatory services overall appear to be special in four ways:

- o Class sizes are small. They average 9 students in compensatory reading and 12 in mathematics and language arts, compared with 27 in homeroom classes.
- o Compensatory education students spend an average of 5 1/2 hours per week in special instruction. That amounts to 29% of total instructional time for students in reading, 22% for students in language arts, and 27% for those in mathematics.
- o Professional teachers who deliver compensatory instruction are often highly qualified: 67% have graduate training beyond a bachelor's degree, and 62% specialize in teaching one subject. Teachers' aides deliver a substantial portion of compensatory instruction. More than half the aides employed nationwide are paid from Title I funds.
- o Many school districts attempt to individualize their instruction, although few districts offer instruction that could be considered individualized in all respects.

Time in Instruction

One of the difficulties school districts encounter in trying to provide additional services to participating students is simply finding the time in which to give them extra instruction. There are, after all, only so many minutes in the school day, and whether students are pulled out of regular programs for compensatory instruction, or provided special services in their regular classes, there is a risk that they will miss some regular instruction.

In thirteen school districts we were able to collect fairly detailed information which sheds some light on this issue. We found that Title I services in school districts are a discrete and identifiable set of educational activities. They are not simply a random or shifting assortment of extra teachers, but distinctive and special programs.

More to the point, we found that compensatory students in the demonstration districts were usually, although not in all cases, receiving somewhat more basic skills instruction than their counterparts who received only the regular instructional program.

In general, therefore, the kinds of services which Congress intended be provided appear to be being offered in the districts we examined.

Student Achievement

We also looked at the question of how effective these services appear to be in promoting the achievement of the participating children. We did so with a study entitled the "Instructional Dimensions Study," designed to examine the effectiveness of individualized instruction and other instructional techniques. The study focused on reading and mathematics in the first and third grade.

The results of this study are more encouraging than many previous evaluations of the impact of compensatory instruction on achievement. In part that may be because we selected programs to represent the particular instructional techniques whose effectiveness we were trying to assess, rather than selecting a national random sample of Title I programs. The programs we studied were operating in a reasonably representative cross-section of school districts, but they were probably better-implemented and more stable than the average Title I programs.

Our study indicates that compensatory services can be extremely effective in enhancing the achievement of compensatory education students. First graders in the sample made average gains of 12 months in reading and 11 months in mathematics in the seven month period between fall and spring testing. Third graders gained 8 months in reading and 12 months in mathematics. The gains far exceed those reported in the most encouraging recent evaluations of compensatory instruction.

These findings although promising leave a number of questions about ways of improving compensatory instruction unanswered. Previous studies have found that school year gains are often not maintained through the summer. In addition, no one set of instructional procedures was found to relate consistently to increases in student achievement. Students in individualized instructional programs, for example, made substantial gains in achievement. In general, however, their gains were no higher than those of students in less individualized classrooms. Other program characteristics such as class size and teacher background and training also showed little consistent relationship to achievement.

The study was also used to examine the relative effectiveness of pullout instruction in a separate classroom and mainstream instruction, that is the provision of special services in the regular classroom. Students in the 1st grade in the Instructional Dimensions Study gained most when they received compensatory instruction in their regular classrooms. The results for third graders were mixed. Their greatest gains in mathematics achievement occurred in pull-out settings, but their gains in reading were equal in both pull-out and regular classrooms.

These results indicate the need for a careful review of the benefits and disadvantage of pull-out instruction in first grade where 64% of the compensatory education students in reading are currently taken out of the regular classroom for such instruction.

Other Considerations

The generally positive picture painted above of the services provided under Title I may conceal some important considerations of which the committee should be aware.

First, there appears to be a general impression that students are selected for Title I services based upon their achievement on standardized tests. While that is true to some extent in most school districts, standardized test results for students in every grade are rarely available in any district.

Hence, many students are placed in Title I programs based upon teacher recommendations, family income, or other criteria.

Second, because of limitations on Title I funding only approximately two-thirds of the students considered to need services in eligible elementary schools are actually served. In addition, very few high school students receive Title I services although the program was designed for both the elementary and secondary levels.

Although approximately 20% of the students in public elementary school receive Title I services, less than 5% of the students in private schools receive them.

I want to point out also that our data indicate that many districts do very little to guarantee that Title I students are integrated into the regular school program. Our national survey indicates that fully one-quarter of all Title I students receive all of their instruction, every day, with other Title I students.

Mr. Chairman, that concludes my discussion of how we assessed the effectiveness of the current Title I program. In general it appears clear that the program is being implemented in accordance with the intent of Congress. There are obviously some difficulties, but they appear to be managerial and technical and not conceptual. I now want to say a few words about several alternatives to the current program which the legislation asked us to examine.

ALTERNATIVE POVERTY DEFINITIONS

The current definition of poverty incorporated into the Title I formula is known as the Orshansky Index, named after its developer Mollie Orshansky of the Social Security Administration.

It consists of 124 different poverty lines each appropriate to a different family type depending upon the number of people in the family, the number of children compared to adults, and whether or not the family is located in an urban or a rural area. The poverty lines were developed after Orshansky estimated how much families of different sizes need for food, and how large a proportion of the total family budget had to be spent on food.

Mr. Chairman, several proposals have recently been made to adjust some of the technical features of the Orshansky Index.

We have analyzed the distributional consequences of adopting several of these proposals and discuss them in our funds allocation report. The most significant effects are noticed if the current Orshansky Index is simply revised upward. We provide tables in the report on what would happen if the index were raised by 25% or 50%. In both cases, the share of the poor now found in big cities and in southern rural areas would decline. It could be expected, therefore, that if Congress adopted either of these revisions, the amount of Title I funding going to both types of places might decline.

Survey of Income and Education

We also examined what would happen if the data from the Survey of Income and Education replaced the 1970 Census data currently incorporated into the formula. The Survey of Income and Education (SIE) was a 1975 survey which provides poverty estimates at the state level and was requested by Congress in the 1974 Education Amendments.

In general, we found that use of the SIE data would shift funds from the South to the Northeast, East North Central and Pacific regions. A few rapidly growing states in other regions would also gain, principally Florida and Arizona.

I must, however, point out that the SIE estimates are off by as much as 20% at the state level, and that using them would require Congress to specify what other data or procedures states should use in order to determine how much each school district within the state should receive.

USING ACHIEVEMENT TO ALLOCATE FUNDS

As you know, Mr. Chairman, in 1974 there was considerable debate within this committee about the possibility of using achievement data to allocate funds to states, to school districts, and to schools. In fact, our study originated in large part out of that debate.

We examined in several ways the possibility of using achievement data in place of income data to allocate funds. First, we assessed the costs and feasibility of several alternative methods for obtaining achievement test data which could be used in calculating the numbers of children in each state and district who would be eligible for Title I. Second, we tried to estimate what would happen if Congress decided to use achievement test results to distribute federal funds.

Third, we used the authority granted us under Section 821 and 150 of P.L. 93-380 to implement demonstrations within 13 school districts. These demonstrations let us observe what might happen if Title I were changed to permit school districts to rely solely on achievement-based procedures in identifying eligible schools and students.

Feasibility

Our assessment of feasibility led to the conclusion that it is not now possible to allocate funds to states based on achievement test scores. It could be done in the future; doing so would require a new national testing program, which could be implemented within three years at a cost of approximately $7.2 million.

It is also not possible now to allocate funds within all states to school districts. Though some states--perhaps as many as 22--have testing programs that could be adapted for funds allocation purposes, most states lack the necessary achievement data to allocate funds to their school districts. For those states to participate fully in an achievement-based funding system, new testing programs would be needed. That would require either new investment by the states, or a national testing program suitable for allocating funds to school districts. To implement a national testing program suitable for allocating funds to all school districts would require three years and cost about $53 million.

One proposal offered in the 93rd Congress was to permit those states which have suitable data to use achievement test scores to allocate funds among their school districts. That proposal could be implemented now in several states--perhaps, as I have said, in as many as 22.

It would also clearly be possible for most school districts to use achievement results in allocating Title I funds among their schools. In fact, several school districts have succeeded in doing just that in the demonstration projects which I will discuss in a moment. You may recall from my discussion of the existing procedures for sub-district allocation that many school districts are now using achievement results to allocate funds and services among their Title I-eligible schools.

We also investigated the possibility that an achievement-based funding system might encourage school districts to depress students' test scores in order to increase their Title I funding. We concluded that such negative incentives can be avoided, through simple administrative arrangements that would prevent states or districts from manipulating students' test scores. I must note, however, that the 22 state testing programs which might be used for allocation to districts have few such safeguards now. Building the necessary administrative arrangements would increase the costs of those programs.

Findings

Our analysis of the effects of a change to an achievement-criterion on the patterns of Title I funding indicates that it would have little effect on the amounts of money received by each of the four major census regions. However, such a change would have a significant impact on how much money several states would receive. Those results are presented in detail in our report entitled, "Using Achievement Test Scores to Allocate Title I Funds."

With respect to individual school districts, the data indicate that certain kinds of school districts, such as districts with large numbers of minority students would probably gain under an achievement-based allocation system. On an average, metropolitan and suburban districts would not experience large changes in funding, while nonmetropolitan areas would probably lose funds if achievement criterion were substituted for poverty criteria. However, analyses of the funding patterns within several individual states indicate that the national trends do not predict accurately what would happen for individual districts. Large city districts gain funding in some states and they lose funds in others.

Demonstration Districts

Our research on the effects of using achievement-based funding within school districts is based on the experience of 13 LEAs which are conducting special demonstration projects. In the 1975-76 school year those districts used the regular Title I procedures to allocate funds among their schools, and in 1976-77 they used new procedures, including some that relied wholly on achievement test results. Our research compared their Title I programs across those two years. Data from a third year will be available for our final report in September, 1978.

After the districts adopted the new funds allocation procedures, they served substantially more schools and students under Title I. Although the size of the basic Title I grant remained stable, districts supplemented the Title I teaching staff with staff paid for by other sources. However, the staff increase only partially compensated for the increased number of students.

Students Served:--The demonstration also resulted in small changes in the relative proportions of low-achieving and poor students in the Title I population. The change to achievement criteria, combined with more restrictive student eligibility criteria in many schools, enabled districts to select low-achieving children more directly than they had under standard procedures, and these children accounted for a higher proportion of the Title I population in the 2d year of the demonstration. In contrast, the proportion of poor children in the Title I population was lower. On average, there was no change in the proportion of minority students in the Title I population in those districts which implemented achievement-based funding.

Because most of the districts increased the total number of students they served under Title I in the 2d year, the absolute numbers of poor and minority children served increased. Thus, districts served more poor and minority children, as well as more low-achieving chidlren, as a result of the demonstration. The increase in numbers of children served was most dramatic for the low-achieving group, but substantial for all groups.

Services Provided:--In order to serve additional children, the demonstration districts reduced the intensity of services they provided to each child. Children in these districts spent less time in compensatory instruction in the second year than in the first. However, districts did not make fundamental changes in their compensatory instructional strategies. The nature of Title I services--the size of the instructional group and the qualifications of the teaching staff--did not change as a result of the demonstration.

Although the increase in students served resulted in some loss of instructional time for each student, the time lost was relatively small compared to the number of additional students receiving Title I services. Many districts assigned additional staff in order to avoid [illegible] in their programs. The additional staff did not fully compensate for the student increase, and the ratio of staff to students was [illegible] as a result of the [illegible].

Based on the research findings, it is clear that each district had a model of the "appropriate" structure of a compensatory program and resisted downgrading this model by, for example, substantially increasing group size or hiring less expensive staff. In many cases, districts used funds from sources other than the basic Title I grant in order to maintain the quality of their program. It is likely that these additional funds would not be available over an extended period of time. Therefore, if districts continued to serve increased numbers of Title I students for a number of years, the reduction in intensity of services would probably be greater than that observed in the demonstration districts.

To conclude, our research indicates that Title I is being effectively implemented in accordance with the intent of Congress although there are some obvious managerial and technical difficulties which the Committee might wish to consider.

Moreover, our examination of Federal education funding indicates that several alternative sources of data could be incorporated into the Title I program, now or in the near future. They include new estimates of the distribution of low-income children and state or district level estimates of low-achieving children.

We appreciate the Committee's courtesy in providing this time to present our findings and will be pleased to answer any questions about this statement or the several reports which were submitted to the Committee members.

Dr. **Hill**. A general statement of our results on the entire study is that Title I is working as Congress intended it to. Congress intended that Title I direct funds to areas with high numbers of low-income children.

In our studies, we found that the program is effective in doing so. Moreover, Title I is more effective than other Federal or State aid programs in increasing educational expenditures at the local level.

Congress intended that Title I funds be used to provide special additional services to eligible children. We found that Title I does make an important contribution to the educational experiences of educationally disadvantaged children.

Congress intended that the end result would be to promote the development of students receiving services, particularly in increasing their academic achievement. Our studies indicate that well-planned stable compensatory instructional programs can, indeed, enhance student achievement.

These generally positive assessments must be tempered. We found many problems in the implementation of Title I. As today's testimony will show, in just one area, Title I could be managed more effectively than it is.

The six reports we have submitted spell out all of these points in detail. Today's testimony will provide highlights on the accomplishments and the problems that we have encountered in the area of services and student development.

Within the next several weeks we will be presenting testimony in three other areas. To my right there is a chart that shows these areas.

Next week we will be discussing administration; that is, how do Federal, State and local governments work together to administer the program.

In subsequent weeks, we will discuss first the present patterns of funds allocation under the existing funds allocation process; and second, alternatives that were proposed in the House of Representatives in 1974 to substitute achievement for poverty as the Title I funds allocation procedure.

Mr. Chairman, this concludes the overview. Now I would like to ask Dr. Rotberg to focus on the effectiveness of Title I in providing services and aiding students in their development.

Chairman **Perkins**. Go ahead.

Dr. **Rotberg**. Thank you, Mr. Chairman.

My discussion of Title I services will focus upon the scope of the program, the nature of the services provided with Title I funds, and the effects of these services upon the achievement of participating students.

I shall first note our positive findings in each area, and then identify some problems in the implementation of Title I services, which our research identified.

Title I is a large program which reaches most school districts in the country and serves about 20 percent of the public elementary school children in these districts, or almost six million children.

As the chart shows, most funds are spent on basic skills instruction, especially in reading and language arts. In fact, 74 percent of district expenditures are spent for instructional services.

The focus on instruction has increased since the early days of Title I. Noninstructional services, such as counseling, health programs or food programs have decreased over the years. In the area of noninstructional services, only expenditures related to parent advisory counsel activities have increased.

There are several reasons for the decrease in noninstructional services.

For example, because of evaluation requirements, it is often in the district's interest to fund programs such as reading and math, which can be assessed by achievement tests. In addition, districts sometimes fear that noninstructional programs might be in violation of supplanting regulations.

In general, however, many districts believe that the emphasis on reading and math is appropriate, and that the program is still flexible enough to permit educators to meet pressing noninstructional needs should they arise in certain districts.

Of course, describing the services provided tells us very little about whether or not the services are special or additional as Congress intended. It is possible that the districts merely use Title I funds to pay for services which they would have provided anyway, without Title I.

The results of our findings show that Title I has been successful in providing important services to children that they would not receive without Title I funds.

As the chart shows, Title I instruction differs from regular instruction in several ways: More time in reading and math, smaller classes, more specially trained teachers, more individualized instruction.

For example, in some school districts, Title I students receive up to two hours of extra instruction each week in basic skills. They receive the special instruction in a class of ten rather than a class of 30, and they receive the special instruction from teachers who are specially trained in the subject matter being taught.

I should point out that State and district Title I coordinators have told us that the Title I funds allocation regulations, such as supplanting and comparability, are extremely important in insuring that the districts are in fact able to provide these special services.

These coordinators have said that without these special regulations it would be very difficult to continue to provide a distinctive program to Title I students, because of pressures in the districts to use the funds for other purposes, or for tax relief.

Of course, these additional services are important only if they contribute to children's learning. We conducted a study of well planned and stable compensatory programs. We defined stable programs as those that had been in existence in the districts for a year or more with staff that had been with the same school for at least that length of time.

We found that children in these programs made substantial achievement gains, up to 15 percentile points in reading and math achievement tests during the school year being studied. This finding supports the findings of other recent studies, though the gains in the NIE study were larger.

The results of recent studies are more encouraging than the early evaluations of compensatory education, which generally found little evidence that Title I students were making achievement gains. This is, in part, because the method of evaluation changed.

Early evaluations included all Title I students, regardless of the program they received. So, for example, reading or math achievement tests were often used to assess the progress of students who were in fact participating in health or counseling services.

The recent evaluations have taken care to insure that only students who actually receive reading or math programs are included in studies using achievement tests in reading and mathematics.

Apart from changes in research methodology, Title I programs themselves have changed over the years. There is a greater focus on the specific skills measured by the achievements tests and Title I students are also more likely to receive distinctive services now than they were in the early days of Title I.

Of course, we cannot conclude that all compensatory education students are gaining as much as the ones who participated in our study. These programs were probably better planned and more stable than average Title I programs.

I pointed out a few of the accomplishments of Title I. It serves most school districts and a large number of public and elementary school students in these districts. It provides distinctive instructional services to these students, and at least for a selected sample of programs, the students are making good achievement gains.

I would also like to point out some of the problems in the implementation of the program.

First, as is well known, all needy children cannot be served by the Title I program. Approximately two-thirds of the eligible students in current Title I schools receive services. Fewer than 1 percent of the secondary students receive services, and fewer than 4 percent of the private school students are served.

In fact, less than half the school districts which contain private schools in fact provide any services at all to the private school students, and when private school students do receive services, they receive a considerably lower amount of time in instruction than do public school students.

Many school districts can only serve children who score well below the 50th percentile in achievement. Students whose performance is just below average and who might achieve at average or above average levels with special services often do not receive these services.

Also, it is frequently not possible to keep children in the program after they begin to make achievement gains because there are lower achieving children who also require services.

These problems of reaching needy children are particularly severe in districts with the highest concentrations of poor children. Although these districts receive larger Title I grants than do the richer districts, they receive less money for each poor child than more affluent districts.

Our analyses show that if there were additional funding, most of the funds would be used to serve more children. To some extent the amount of instructional time received by each child would also increase.

We have estimated, for example, that to serve all eligible children in current Title I schools would require a 50 percent increase in funding. Of course, to reach more secondary school or private school students would also require substantial increases in funding.

I pointed out earlier that Title I funds are used to provide distinctive services to children. However, the fact that these services are distinctive may pose some problems in terms of the students' integration into the regular school program.

Only 25 percent of Title I children receive their compensatory reading instruction in the regular classroom. Three-quarters of the children receive it apart from the regular classroom, in pull-out instruction.

Given the high proportion of pull-out instruction throughout the country, we looked at whether or not it worked. We found that for first graders, the children who receive the special instruction in the regular classroom actually make better achievement gains than do children who receive the special instruction in pull-out classrooms.

This is probably because for very young children, five and six years old, who are in first grade, it is very difficult to diagnose their specific learning problems, and then to develop a special program designed to meet these problems in the puil-out situation.

We did find the pull-out instruction can help students. By third grade, students in pull-out programs, particularly in math, made very good achievement gains. That is, for third grade math students, the children in pull-out programs did better than the students who received their special instruction in the regular classroom.

I should also point out that many districts believe that only pull-out programs are legal. Others believe that only in classroom programs are legal. In fact, either type of program is perfectly consistent with Title I regulations.

But the regulations are not always disseminated clearly enough so that the districts realize they have these alternative ways of implementing the program.

Quite apart from the issue of pull-out versus in-classroom isntruction is the fact that many compensatory education students are assigned to homerooms exclusively with other compensatory education students.

One-quarter of all compensatory students, or almost a million and a half children, are separated from higher achieving students even for their regular instruction. Of course, this is not a necessary effect of either pull-out or mainstream instruction.

Finally, although the achievement gains in our study were good, several problems remain. Services are not of uniformly high quality or intensity throughout the country. In fact, in some districts Title I students actually receive less time in basic skills instruction than do non-Title I students.

In some districts aides are used almost exclusively. Sometimes these aides are well trained or well supervised by subject matter specialists. But in others, there is little evidence of either clear planning or clear instructional goals.

Our research did not find any one curriculum or instructional approach to be generally superior. However, well planned programs are important, and I described results to show that students in these programs can make good achievement gains.

It is primarily the responsibility of state eduational agencies to help districts plan their programs. Our study of State administration shows that States provide different amounts of help to districts.

The amount of assistance that States can provide is related to the number of staff which they hire, and our study has found that States use different proportions of their setaside for staff.

Even for the well planned programs, gains should be assessed realistically.

In our study of these programs, the average scores at the beginning of the school year were around the 16th percentile, and even with the substantial gains made during the year the students were still scoring well below the 50th percentile at the end of the year. Also, as is well known, students tend to lose some, but not all, of their gains over the summer months.

I have summarized some of the accomplishments of Title I, the large numbers of students reached, the fact that it provides distinctive instructional services and the fact that students in some programs make good gains.

I have also pointed out some of the difficulties in implementing the program. Many needy students are not reached. The fact that the program is distinctive may cause some problems in terms of the student's integration into the regular school program. And services are of uneven quality throughout the country.

Thank you. I would be pleased to answer any questions.

Chairman **Perkins**. Thank you very much.

The last witness before we commence our questioning will be Dr. Evans.

Without objection, your prepared statement will be inserted in the record.

STATEMENT OF JOHN W. EVANS, ASSISTANT COMMISSIONER, OFFICE OF PLANNING, BUDGETING AND EVALUATION, U.S. OFFICE OF EDUCATION

Dr. **Evans**. Thank you, Mr. Chairman. I have prepared a fairly extensive statement, which I think would be too long to read here. I will try to summarize it.

[The statement of Dr. Evans follows:]

Statement by
John W. Evans
Assistant Commissioner, Office of Planning,
Budgeting, and Evaluation
U.S. Office of Education
Department of Health, Education, and Welfare
Before the
Subcommittee on Elementary, Secondary, and Vocational Education
of the Committee on Education and Labor
United States House of Representatives
Tuesday, October 18, 1977
10:30 a.m.

Dr. Evans is accompanied by:

Mr. William A. Blakey, Deputy Assistant Secretary for Legislation (Education), Department of Health, Education, and Welfare

I appreciate the opportunity to appear today before this Committee to describe our work in evaluating Title I of the Elementary and Secondary Education Act. Our activities are mandated by Section 151 of that Act and are varied and complex. I have prepared a substantial statement for you but want to highlight at the beginning the main points contained in it.

Section 151 directs the Commissioner to standardize State and local evaluations of their Title I projects and to conduct--after accomplishing that goal--national studies of the effectiveness of the program. Consequently, our efforts focus as a first priority on improving local and State evaluation activities. We are involved in the development of evaluation models, the provision of technical assistance services, and the drafting of regulations. Furthermore, the work with models spans all aspects of Title I, and the assistance includes national workshops, handbooks, and free consulting services. We have seen the use of our models grow from selected sites in about 20 States last year to approximately 40% of the nation's Title I school districts this year.

Second in priority in our program to implement Section 151 are our national studies. Their purpose is to provide information about the program's effects which is not obtainable through the LEA and SEA reporting system. We have shared with you the findings from these evaluations as they become available and intend to continue that practice in the future. I have reviewed some of our findings at the close of my prepared statement and will proceed now with the more detailed descriptions of our work.

The "Declaration of Policy" of ESEA Title I states its purpose as "meeting the needs of educationally deprived children," and in the years since its enactment, appropriations have grown from $949 million to over $2 billion. Early data on Title I indicated that funds were not being focused on providing compensatory services to educationally disadvantaged youngsters. Our recent studies have shown, however, that the funds are being used primarily in the areas of remedial education in the basic skills.

Evaluation of the impact of Title I services is required at all three administrative levels: local, State and Federal. A local educational agency must by law assure its State -

> "that effective procedures, including provisions for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of educationally deprived children."

Similarly, a State must assure the U.S. Commissioner of Education

> "that the State educational agency will make ... periodic reports ... evaluating the effectiveness of payments under this title and of particular programs assisted under it in improving the educational attainment of educationally deprived children..."

Of course, the Commissioner of Education is required by Section 417 of the General Education Provisions Act to report to Congress annually on the effectiveness of all educational programs in achieving their legislated goals. We draw on information from all sources to prepare that report but have been unable to make much use of State data because many States did very little in the way of evaluating Title I, and even those who did often committed errors which invalidated their findings.

We initiated a project in June of 1974 to correct the problem of inaccurate evaluation reporting in ESEA, Title I, and our work in that area was given greater emphasis the following August with the passage of the Education Amendments of 1974. Title I was thereby amended to include Section 151 which lists specific activities required of the Commissioner of Education in the evaluation of the program. The subsections of Section 151 can be summarized as follows:

"The Commissioner shall

(a) provide for independent evaluations which describe and measure the impact of programs and projects assisted under this title ...

(b) develop and publish standards for evaluation of program or project effectiveness ...

(c) where appropriate, consult with State agencies in order to provide for jointly sponsored objective evaluation studies ...

(d) provide to State educational agencies, models for evaluations of all programs conducted under this title ... which shall include uniform procedures and criteria to be utilized by local educational agencies, as well as by the State agency ...;

(e) provide such technical and other assistance as may be necessary to State educational agencies to enable them to assist local educational agencies in the development and application of a systematic evaluation of programs in accordance with the models developed by the Commissioner;

(f) develop a system for the gathering and dissemination of results of evaluations and for the identification of exemplary programs."

Subsection (f) of Section 151 describes the models further as specifying "objective criteria" and "outlining techniques and methodology" for producing data which are "comparable on a statewide and nationwide basis." Subsection(g) requires a periodic report on the activities of this Section, and subsection (i) provides for funding to support these activities (as well as those of the National Institute of Education during fiscal years 75, 76, and 77 for their study mandated in Section 821 of Public Law 93-380).

Subsection (i) as amended by the Education Amendments of 1976 also clarifies funding priorities of Section 151 in the Office of Education, and our program is organized so as to reflect them. I will describe that organization of activities in my testimony today -- first, in general terms and then with greater detail about the work to upgrade SEA and LEA evaluation practices and to evaluate the program nationally. I will also summarize our findings about the program.

As an overview of our Section 151 program, let me begin by observing that the evaluation of ESEA, Title I has historically involved a variety of approaches. Efforts at the Federal level have ranged from the sole reliance on LEA reporting of raw data to the conduct of national studies which are designed in-house by methodologists on my staff and conducted by outside contractors selected competitively. Our current approach is one which relies on data generated by two strategies: the reporting of comparable project data from LEA's through SEA's and the conduct of national studies.

I will briefly review the strengths and weaknesses of both strategies for producing data about Title I because I think they are important for understanding our approach to implementing Section 151.

We view the adequacy of information for decision-makers according to seven criteria: the frequency with which it can be collected or updated; its breadth; its depth; the cost to acquire it; the number of local administrators who can use it; its usefulness at the Federal level; and, of course, its accuracy. It is not difficult to see how the two strategies (aggregating locally generated evaluation data and use of data from national studies) differ according to those criteria.

On one hand, the annual reporting by LEA's and States produces more current information than do national studies (which are conducted by necessity less often). Furthermore, that reporting yields data about a greater number of Title I sites than do national studies. In contrast, however, national studies--because they are less frequent and less universal in their coverage of sites--allow the investigation in more depth of project activities and which ones lead to which types of outcomes. Similarly, the sampling, concentration of overhead costs, etc., possible with national studies make them less costly in comparison to project and SEA reporting.

Project and SEA reports will continue, we feel, to be more useful to local administrators than will the results of national studies due to their greater immediacy, etc. However, our national studies are more controlled and in general of higher methodological quality; therefore, they yield data which are more useful for assessing the program nationally. We feel that data at the national level produced by aggregating across LEA and SEA reports will be less accurate and, hence, less useful for policy-making. Table I summarizes these trade-offs.

Table 1
Comparison of Evaluation and Reporting System with National Evaluations

Characteristics of the information	Evaluation and Reporting System	National Evaluations
1. Frequency	greater	less
2. Number of sites covered	many or all	few but representative
3. Depth of investigation	shallow (can't relate program operations to outcomes)	in-depth (can answer policy issues)
4. Cost	annual cost great	annual cost much less
5. Usefulness to locals and States	useful	re: general findings only
6. Usefulness for Federal policy-making	less useful	more useful
7. Accuracy	less	more

Hence, we believe that the thrust in the present legislation is correct in requiring that data about the effectiveness of ESEA Title I come from both local and State reporting and the conduct of national studies.

Whereas our early efforts in implementing this Section prompted concerns on the part of various members of Congress and their staffs that we were concentrating on the latter at the expense of the former, I believe the pattern of our allocation of monies to various activities as well as our report of progress to date indicate that such is not the case. I will sketch briefly the uses of funds to implement Section 151 and then describe our work supported by those funds.

The provisions of Section 151 are supported by a set-aside not to exceed one-half of one percent of the Title I appropriation annually; it has averaged just over .4 of one percent for the years 1975-78, and over 63% of the U.S. Office of Education portion (including funds from the Planning and Evaluation appropriation) has been directed toward improving State and local evaluation practices as required by the Section. Figures reflecting uses of the funds over the four-year period are shown in an Attachment to this statement.

Table 2

Total 151 set-aside FY 75-78	$34.4 million
NIE appropriation for mandated study	-15.0" (about 44% of the total)
USOE portion	$19.4 million
USOE supplement from P & E funds	+ 1.0
USOE total to implement Section	$20.4 million
Funds to upgrade evaluation practices	12.2 "(a little over 63% of USOE total)
Funds for national evaluations	$ 8.2 million

Of the $20.4 million available to the Office of Education (including $19.4 million from the set-aside and an additional $1 million from Planning and Evaluation monies), over $12 million have been used to upgrade State and local Title I evaluation practices by supporting the development of evaluation models and the provision of technical assistance to SEAs and LEAs. The remainder, about $8 million, has been used for an evaluation of the Title I migrant program, an examination of Title I impact across school-years, and an evaluation of the Title I handicapped program.

Having sketched the funding for this program, I'd like next to describe the major portion of our work, our activities to improve State and local evaluations. Briefly stated those activities consist of the development of uniform valid models for use in evaluating various Title I activities, the provision of technical assistance in support of their use, and the drafting of regulations. Each area of effort is substantial, and I will describe them in more detail for you.

In drafting Section 151, members of Congress were aware, as were we, of the many deficiencies in local and State Title I evaluation reports. To address this problem they mandated the Commissioner to develop and aid the use of technically valid evaluation procedures formulated as models. Much of our work has focused on their development and implementation.

ESEA, Title I is a complex program trying to meet several types of student needs in a variety of settings. In our work to develop evaluation models, we focused initially on student progress in the basic skills and on projects supported by the LEA grant portion of Title I. More recently, efforts have begun to develop models for evaluating student progress in achievement in State institutions for neglected or delinquent youth and in the State-administered migrant education program.

Of course, some projects address objectives in addition to improving students' achievement, so we are working also on evaluation models focusing on non-achievement types of outcomes. They fall into the areas of students' affective development; their improvements related to nutritional, medical or dental, and psychological or social services; and their progress due to early childhood education. Project administrators are also requesting advice on the evaluation of parent involvement and fidelity of project implementation, and plans are underway to meet those requests. I have summarized in Table 3 various efforts to develop evaluation models in eight areas.

Some of the issues in evaluating the effects of services in migrant education, in institutions for the neglected or delinquent, and in early childhood projects are similar to those addressed in the development of evaluation models for regular school projects. For example, in all cases current evaluation activities need to be documented in order that recommended models can incorporate, as possible, proceduures already in use. Similarly, preliminary ideas regarding proposed models must be discussed with program administrators before plans are finalized for their use. I have listed in Table 4 the steps in the process to develop evaluation models and the timing of them for various program areas.

Of course, different settings also have unique evaluation problems, and we address them in the separate projects. I will briefly describe each of our contracts to develop evaluation models and

Table 3. The Development of Evaluation Models

Type of outcome and program:	Status as of Fall, 1977
1. Achievement:	
Basic LEA grant program	- models available, in use in about 40% of the nation's Title I school districts in 1977-78; increased use encouraged in subsequent years; regulations in effect probably by 1980.
Migrant education program	- being developed in conjunction with national evaluation study; to be discussed with administrators 1978-79.
Program for the Neglected or Delinquent	- being developed in national evaluation study; to be discussed with administrators 1977-78.
2. Student non-cognitive outcomes	
a. affective development	- handbook on techniques available late fall, 1977.
b. nutritional, medical, dental, psychological, social improvements	- work planned for 1977-78 to prepare handbook.
c. early childhood education	- work beginning in fall, 1977 to survey project objectives and develop evaluation models
3. Non-student outcomes	
a. parent involvement	- work planned for FY 79 to address parent satisfaction
b. project implementation	- plans are being formulated to specify good procedures for assessing project management.

Table 4 Steps in the process to develop evaluation models

Steps	Regular School Program	Neglected/ Delinquent	Migrant	Early childhood	Affective	Non-Instructional Services
1. Define information needs and review current practices.	summer 74	spring 76	winter 77	fall 77	fall 76	spring 77
2. Develop preliminary ideals and discuss with program personnel	spring 75	summer 78	winter 79	fall 78	summer 77	spring 78
3. Assess needs for technical assistance and begin specific services as needed	fall 76	winter 79	spring 80	summer 79	winter 78	winter 79

encourage you to request more information about any of particular interest to you.

You have by now heard of the work we have supported to develop the evaluation models for regular school projects. The models are sets of procedures prescribing test administration, timing, selection and use of a basis of comparison (other children's test scores), analysis, and reporting. The three being used now in regular school projects differ according to how they estimate the Title I participants' growth had they not received compensatory education services. The estimate may be based on national norms, test scores of local children similar to those in Title I, or scores of children dissimilar to Title I students (in which case we make necessary statistical adjustments); and, of course, the procedures for testing, analysis, and reporting vary accordingly.

The use of each model allows a local district to estimate the effects in the basic skills performance of their children attributable to participation in Title I. Hence, each district produces a Title I project evaluation for reading, math and/or language arts for its own use as well as for its required reporting to the State. Of course, districts and States may want to augment the standard evaluation model with information needed at those administrative levels, and they are encouraged to do so. But the cognitive outcomes of the Title I projects will be evaluated by use of our methods "for producing data which are comparable on a statewide and nationwide basis" as subsection(f) of Section 151 requires.

In order to make the data comparable, project evaluations are expressed in a common metric which we are calling "Normal Curve Equivalents." The use of a common metric is necessary for aggregation across project estimates, and we feel it will serve that purpose well. I must note that some critics have claimed we are trying to "equate achievement tests." That is not correct; as I have tried to explain above, conversion to the common metric is the last of a series of operations and merely translates estimates of gain into one scale for reporting purposes.

Use of the models is increasing, and our current estimate is that about 40% of the nation's Title I school districts are using them to evaluate their Title I projects this school year. Attachment II shows how their use varies by region of the country. We have an effort underway to examine districts' experiences with the models last year, and I hope to have a progress report on that topic to share with you by next February.

Our work to develop evaluation models applicable to the Title I migrant education program is underway now. We will have some results from that effort to report about a year from now. It looks currently as though we will rely on the storage and retrieval capabilities of the Migrant Student Record Transfer System to facilitate the evaluation and reporting, but specific details regarding testing and analysis are yet to be defined.

Similarly, our national evaluation of Title I in State institutions for the neglected or delinquent includes the development of evaluation models as well as assessment of the impacts of the program nationwide. A primary concern in that setting is the inappropriateness of typical achievement tests because the students are usually teen-agers whose skills in reading and math fall into the primary grade levels. That means that a typical commercially available test with items at the appropriate difficulty levels will be inappropriate (too juvenile, insulting) in content. We are fairly confident that the solution to this problem for the national evaluation will also be helpful as part of evaluation models for use by others and that we can discuss these with program personnel next spring and summer.

Title I supports some early childhood projects which usually focus on improving pre-schoolers' academic readiness, and less often, their social skills and psychomotor development. A project to develop models to evaluate such efforts has just begun. It will involve visits to several project sites and States to determine their evaluation problems and possible solutions.

Similarly, our work in developing models to evaluate non-instructional services has relied heavily on visits to projects where such activities are underway. During our discussions with State personnel, about 1/3 of them showed interest in evaluation models for this area, so we are now pulling together a handbook of various techniques being used by project personnel in the areas of guidance and counseling; social services; and medical and dental help. We hope to complete it in the next year. A similar search for instruments and techniques to measure student affective growth is complete now, and a handbook will be available later this fall.

It is important to note that in the areas of non-instructional services and children's affective development, there is less uniformity across project objectives than there is in the basic skills area. Therefore, we anticipate that eventual reporting about such project effects may involve lists of objectives attempted-versus-achieved rather than aggregation of actual outcome data.

We are just now planning work to define evaluation models regarding parent involvement to begin next year. In addition to these various types of Title I outcomes, there has been considerable concern about assessing the mere question of whether projects were actually implemented. We hope to address such concerns beginning next year.

Of course, a major technical assistance effort is necessary to get the models into use and used correctly. Members of my staff are active in maintaining contact with various program personnel nationwide and make many visits and presentations in support of the use of our models. We rely also on the help of outside contractors mainly in the conduct of national workshops, the preparation of publications, and the provision of on-site technical advice regarding evaluation practices.

The national evaluation workshops were offered in ten locations during the late fall and early winter of 1976-77. States sent about four staff members, on the average, to the three-day sessions which involved presentations on research methodology and the evaluation models. Participants also worked through examples and discussed particular implementation situations. The workshop materials are made available upon request, and have been very popular for use by others such as State and school personnel in conducting their own training sessions.

The handbooks in our monograph series are also distributed widely. Two are currently available from the Government Printing Office, and two more will come out this winter. They discuss the planning and conduct of evaluations, the validation of results, the estimation of project costs, and the assessment of children's affective development. Others will address problems of examining achievement tests for bias, of managing a large-scale testing program, and of using criterion-referenced tests. They will become available throughout the next year.

Another popular document is our quarterly newsletter. It is sent to all States and school districts nationwide and describes activities at the Federal level. It also includes columns written by State and local personnel in an attempt to begin a dialogue about evaluations of Title I. Occasionally a parent is also invited to write an article about his or her experience reviewing evaluation reports, etc.

As you know, we have established ten Technical Assistance Centers under contract to us to provide specific, on-site evaluation advice. Because of the scope of this effort and the important role the Centers are playing, I have chosen to describe their activities in some detail.

They have been in operation since late September, 1976. TAC personnel provide free consulting services to SEAs (and under the SEA's direction, to LEAs) in all aspects of Title I program evaluation. The majority of these services are directed toward helping clients to evaluate their reading and mathematics Title I programs, although occasionally they advise on other Title I evaluation areas.

The history of their selection illustrates our intention from the start to select persons for this work who could best interact with the States. We decided early to award contracts to organizations through regular competitive procurement procedures, and to have ten competitions--a TAC to serve the States in each HEW regional area.

A separate competition was held for each region because it was thought--and still is--that TAC personnel should be familiar with the programs and personnel of the area that they would serve. Thus in the final RFP, 40% of the selection points were devoted to "successful regional knowledge and experience" and 40% to applied technical skills. We contacted Title I evaluation and program personnel in all States during the screening process to assess the offerors' expertise in these areas.

In addition, in almost all cases, an SEA representative from within the region (usually the State with the largest Title I funding) and a representative from the HEW regional office were present during negotiations to question offerors on their knowledge of regional programs. I have listed the selected institutions.

We have required that the TAC assigned to each State reach a written agreement with the SEA concerning the conditions under which it will provide services to the State and the kinds of services it will provide. For example, each SEA and its TAC have determined jointly how LEAs and the TAC should interact. In most cases the State agreement, which can be renegotiated periodically, reflects the most feasible ways of providing services to the LEAs in the State, but in a few cases it reflects the SEA's apprehension concerning Federal personnel or a Federal congractor working directly with LEAs.* Thus, within the constraints required to

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*To help allay SEA fears of Federal intervention, and to be sure that the TACs are helping clients to build local expertise, TAC personnel are forbidden from advising clients on USOE or SEA policies, enforcing Title I program regulations, recommending specific copyrighted achievement tests, actually performing Title I evaluations, writing Title I evaluation reports, or providing advice not related to Title I program evaluation.

Table 5

TITLE I EVALUATION
TECHNICAL ASSISTANCE CENTERS
PROJECT DIRECTORS

Region I

Dr. Everett W. Barnes, Jr.
RMC Research Corporation
62 Congress Street
Portsmouth, New Hampshire 03801
(603) 436-5385

Region II

Dr. Gary J. Echternacht
Educational Testing Service
Princeton, New Jersey 08540
(609) 921-9000 x2566

Region III

Dr. Joan Troy
National Testing Service, Inc.
1905 Chapel Hill Road
Durham, North Carolina 27705
(919) 493-3451

Region IV

Dr. George Temp
Educational Testing Service - Southern Regional Office
3445 Peachtree Road, N.E.
Suite 1040
Atlanta, Georgia 30326
(404) 262-7637

Region V

Dr. Theodore Storlie
Educational Testing Service - Midwest Regional Office
960 Grove Street
Evanston, Illinois 60201
(312) 869-7700

Region VI

Dr. George Powell
Resource Development Institute, Inc.
1916 Justin Lane
Austin, Texas 78757
(512) 454-5751
(512) 454-4227

Region VII

Dr. Carmen Finley
American Institutes for Research
PO Box 1113
Palo Alto, California 94302
(415) 493-3550
(415) 494-0224

Region VIII, IX, X

Dr. Joe Hansen
Northwest Regional Educational Laboratory
710 S.W. Second Avenue
Portland, Oregon 97204
(503) 248-6853

be sure that an SEA will proceed in a positive manner to meet the requirements of Section 151, each SEA can determine the areas of consulting services to be emphasized by its TAC.

The first three months of TAC services consisted primarily of outreach efforts to the States. Even in States which were extremely receptive to the notion of assistance for Title I evaluation, the SEA personnel had to decide which services they wished emphasized.

For those SEAs whose initial reaction to Federal technical assistance was less than enthusiastic (even with the SEA determining the services to be provided), reaching an agreement often required several months. However, the TACs have signed an agreement with each State and have provided some services to all.

Generally, after reaching an agreement with the TAC, initial services have included overview workshops for SEA and LEA personnel. These have been followed by regional meetings for groups of LEAs and more detailed workshops on specific aspects of the models. In addition to the large amount of time spent responding to questions on the telephone, TACs have made visits and acted as on-site consultants to some large school districts.

As of June 30, more than 50% of the approximately 14,000 school districts receiving Title I funds have received some TAC services, and approximately 40% of them will attempt this year to use the models. I have included an attachment to my written testimony showing the progress in use of the models as it varies by region and State. I should also point out:(1) that many LEAs are receiving training this fall and are hence not shown on any tabulation; (2) that LEA's attempting to use our models may not be doing so correctly; and (3) that in some cases the number of LEA's having been trained is greater than we show because of the work of personnel in intermediate districts (whom we trained).

In the next few months the TACs will give additional workshops on specific areas of the USOE Title I models for LEAs using them this school year. They will also be spending more hours in providing telephone assistance and on-site consulting as LEAs encounter specific problems. We have also found that other Title I programs besides those in reading and math in regular schools are increasing their requests for help, and we anticipate increased need for help in interpreting results next spring.

The first contract period for the TAC's extends through December, 1977 (contracts funded for 15 months), and the total funding for the ten contracts during that period was about $2,420,000. All of the TACs will be funded for an additional 15 months (There was a 15-month extension clause in each contract.) Although it is difficult to predict accurately the demands by SEAs and LEAs for TAC services, we are estimating currently that over $5,000,000 will be required for the January, 1978-March, 1979 contract period. If some of the States which have been cautious in their implementation of the USOE system should make large demands for services during the contract period, then the funding will be increased accordingly.

In short, our experiences thus far with the Centers show that their services are welcomed and needed, and we intend to make them a continuing important part of our evaluation system. They appear to be helping in quality control as well as in State and Federal relationships. Indeed, the provision of useful services (free of charge) has caused much of the early skepticism about our models to change to enthusiasm.

Finally, in discussing our activities to upgrade State and local evaluation practices, it is important for me to mention our intentions to publish program regulations in this area. I anticipate that there will be some negative reactions to such regulations, but we plan to proceed this Fall to publish a Notice of Intent to Regulate. Preliminary meetings have been held with a group of State Title I Coordinators and other administrators representing Chief State School Officers to discuss the process; a Notice of Intent will solicit comments about specific issues from all interested parties. After the publication of Proposed Rules (probably in late Spring, 1978), hearings will be held in locations across the nation, and regulations will follow. Their issuance will affect the use of the evaluation models at that time in the few districts not already using them, making nationwide implementation of the system most probable by 1980 or 1981.

All of this, Mr. Chairman, is what we have been doing to implement the requirements in Section 151 dealing with the improvement of State and local evaluations. I would like to turn now to the data we have available, primarily from our national studies, about two aspects of Title I: the services being provided and the effects of those services.

What have we learned from national evaluations of Title I?

About the LEA grant portion of Title I

With respect to students served and serviced offered?

- Currently, 90% of all public school districts in the U.S. receive Title I funds and of the nation's public elementary schools (those having one or more grades in the 1-6 range)
    - 67% receive funds from Title I while another 15% receive compensatory funds from sources other than Title I
    - Schools that receive Title I funds have high concentrations of students from poverty backgrounds and high concentrations of poor readers.
- Approximately 15 percent of all public elementary school students receive compensatory assistance from Title I with another 9 percent receiving compensatory services from sources other than Title I.
    - Only 14 percent of all public elementary school students attend a school that does not offer compensatory assistance (either from Title I or from other sources)
- Slightly less than one-third of the students from poverty families receive services from Title I; an additional 9 percent receive services from sources other than Title I.
    - Almost 12 percent of non-poor students receive services from Title I with another 9 percent receiving services from sources other than Title I.
    - Although there are proportionately more poverty than non-poverty students served by Title I, due to their greater absolute numbers more non-poor than poor are served by Title I
- Using a criterion of achieving one or more years below grade level(for students in grades 2-6),
    - if a student comes from a poverty background the chances are almost 1 in 2 that he or she will be a low achiever

  - .. if a student comes from a non-poverty background the chances are almost 1 in 5 that he or she will be a low achiever
  - .. however, in absolute numbers there are about one million more low achievers than there are students from poverty backgrounds

- . Among low achieving students (using the previous criterion) almost one-third received services from Title I with another 14 percent receiving services from sources other than Title I
  - .. In contrast, 11 percent of regular (or non-low) achieving students receive services under Title I with another 8 percent receiving services from sources other than Title I
  - .. However, because of their greater absolute numbers, slightly more regular than low achieving students receive services from Title I (about 100,000 more).

- . Seventy-six percent of the Title I per-pupil dollar is used to provide instructional services (NIE)
  - .. Eighty-two percent of all compensatory students participate in a remedial reading project or in a language arts project that has a reading component with the next most frequent areas of instructional activity being compensatory mathematics and preschool/kindergarten readiness activities (NIE)
  - .. The predominant mode of instruction for compensatory services is via a "pull-out" program (viz. students leave their regular classroom for compensatory instruction) (NIE)

- . With respect to compensatory reading instruction, the lowest achieving students are the ones who receive special assistance with such assistance being supplementary to resources used in the regular reading program.

With respect to the benefits of these services?

- Students who receive compensatory assistance in reading tended not to fall behind their less needy, unassisted peers in their reading skill performance during the school year. For some of the achievement tests, compensatory students were closer to non-compensatory students in their reading test performance in the Spring than they had been in the preceding Fall.

    .. Compensatory assisted students tended to develop favorable attitudes toward themselves as readers and toward their reading activities to a degree that was equal to or greater than that of their less needy, unassisted peers.

    .. For specially selected sites, dramatic compensatory student improvement in reading (OPBE and NIE) and in mathematics (NIE) was observed.

    .. These results can be contrasted with those from earlier studies which showed that disadvantaged students fell progressively further behind in their reading performance and became increasingly more fatalistic about their ability to improve their life circumstances through education.

    ... However, a clear relationship between the level of resources utilized and student improvement in reading was not discerned. Rather, given a minimal level of resources, the ways in which they were utilized appeared more important than the sheer amount (e.g., the use of instructional aides for instructional activities rather than for clerical or custodial functions).

- In the Fall of the year students who recieved compensatory assistance in grades 2, 4 and 6 were at about the same percentile rank. Such results may reflect; (1) the emphasis of the program on serving the most educationally needy students each year and they are not necessarily the same students from one year to the next; and, (2) a loss over the summer months of the proficiencies acquired during the regular school year.

    .. Disadvantaged students who attended summer school did not exhibit such a loss. However, summer attendance was voluntary; the most severely disadvantaged students did not attend; and, student instructional cost was two and one-half times greater during the summer months than during the regular school year.

- Very little is known about student benefits in other areas supported by Title I (e.g. mathematics, support services, services to secondary school students) nor of the extent to which gains in basic skills acquired during a single school year are sustained over the summer months and in subsequent years--this latter is the topic of a current national evaluation especially designed to follow-up on the gains that this earlier study indicated were acquired during one school year.

About programs conducted by State educational agencies?

Title I funds are also used to provide services to: (1) neglected or delinquent youth in State institutions; (2) children of migratory agricultural workers and fishermen; and, (3) severely handicapped children in State institutions. Results from the first descriptive phase of an ongoing study of the neglected or delinquent program has shown that:

- Nearly 27,000 institutionalized youth receive Title I services compared to just over 51,000 estimated as eligible for the program.
- Title I students are younger than the general institutionalized population; nearly 2/3 are under 18 years of age.
- Services in reading and mathematics account for nearly 70% of the Title I expenditures in the facilities.
- Per-pupil expenditures for Title I students averaged about $1358 of which about $456 was from Title I; however, these figures fluctuate greatly across sites.
- Opinions about the program were very positive with strengths most often mentioned in its emphasis on basic skills and individualized instruction; weaknesses cited most frequently were the restrictive guidelines and insufficient funds.

The next phase of this study will address the effects of the program on participants' performance in the basic skills and attitudinal development. Evaluation models will also be developed for use by State and project personnel in assessing and reporting Title I impacts in their sites.

Although there is no current evaluative information on the migrant and handicapped programs under Title I a comprehensive study of the former program is currently in process while a study of the latter program is planned for the near future.

Summary

In summary evidence now available indicates that the receipt of Title I funds is almost universal at the school district level and exceptionally widespread at the elementary school level. A remarkably high percentage of elementary schools with high concentrations of poverty students (which also have high concentrations of low achieving students) receive Title I funds although many schools with low concentrations of such students do too. The funds are used for a wide variety of instructional and support services; however, the vast bulk of the funds and students are involved in basic skills instruction in the elementary grades. With respect to reading, the evidence suggests that in elementary schools, Title I has been well-targeted on children who read poorly and Title I is probably having some positive impact. Educationally disadvantaged children usually lose ground to their more advantaged peers as they progress through school. However, poor readers who received extra attention because of Title I and similar programs tend to hold their relative positions between Fall and Spring and on some tests they gain ground. But, the extent to which such gains are sustained in subsequent years for the same students is not currently known. Some limited evidence suggests there may be losses over the summer months. In general, then, the reading results illustrate modest success but with much work still to be done. Little useful information is currently available on student achievement in other areas. Many of the non-instructional services provided are desirable ends in themselves (e.g. having healthy, well-fed, well-clothed children) for which Title I should receive credit for providing assistance when these needs cannot be met from other sources. However, little is known about how children benefit from these services.

Although the main evaluative judgments about the efffectiveness of Title I should be based directly upon the services provided to participating children, the impact of the program should also be considered in a larger sense. As the major Federal program aimed at improving the education of disadvantaged children, Title I has been instrumental in drawing the attention of educators and the public to the plight of these children. Although the problems of providing an adequate education for the disadvantaged have not yielded to solution as swiftly as had been hoped, that very fact has led to further efforts. States have initiated compensatory programs, school districts have tightened up their programs, parents have become more involved in their children's education, and researchers have pursued many new approaches to learning. There is a much greater national consciousness about the education of disadvantaged children than there was 15 years ago and Title I is certainly a central feature of this awareness.

ATTACHMENT I Funding of activities
FY 74-7

	74*	75	76	77	Estimated 78
I. To upgrade State evaluation practices					
Technical assistance					$6760
Workshops			$ 365		
Centers			1,134	$920	
Publications	$22		44	60	
Development of Evaluation Models					960
Basic skills	912		36		
Non-instructional services			376		
Migrant education			26	119	
Neglected/Delinquent				255	
Early childhood education				50	
Implementation	___		15	50	140
Total, Category I	934		1,996= 62%	1454= 40%	7860=71%
II. To evaluate the program nationally					3140
Sustaining Effects Study		1,400	900	1,524	
Migrant education evaluation			316	772	
Handicapped					
Total, Category II		1,400	1,216	2,296	3140
Total, USOE portion of 151 set-aside		$1,400	$3.250	$3,750	$11,000

* Planning and Evaluation Funds, 197 $934

ATTACHMENT II

Region and Number of LEAs	US Approximate % of LEAs implementing one of the evaluation models in:		% of LEAs Trained by 6/30/77	Technical Assistance for SEA Personnel by 6/30/77
	1976-77	1977-78		
Region I 893 LEAs	81	90	61	5 days
Region II 1267 LEAs	4	13	4	28 days
Region III 748 LEAs	3	21	80	6 days
Region IV 1098 LEAs	22	45	84	5 days
Region V 3126 LEAs	3	29	34	4 days
Region VI 2166 LEAs	46	48	51	9 days
Region VII 1379 LEAs	3	80	78	3 days
Region VIII 959 LEAs	33	55	86	4 days
Region IX 1257 LEAs	1	7	44	2 days
Region X 736 LEAs	14	29	73	4 days
NATIONAL AVERAGE 13,629 LEAs	19 (2617)	40 (5394)	53 (7742)	5 days

REGION I

State and Number Of LEAs	Approximate % of LEAs implementing one of the evaluation models in: 1976-77	1977-78	% of LEAs Trained by 6/30/77	Technical Assistance for SEA Personnel by 6/30/77
Connecticut 140 districts	25	54	21	3
Maine 154 districts	97	100	20	4
Massachusetts 340 districts	94	100	90	6
New Hampshire 165 districts	100	100	90	11
Rhode Island 40 districts	18	50	45	[illegible]
Vermont 54 districts	93	100	28	4
REGIONAL AVERAGE	81	90	61	5

REGION II

State and Number of LEAs	Approximate % of LEAs implementing one of the evaluation models in:		% of LEAs Trained by 6/30/77	Technical Assistance for SEA Personnel by 6/30/77
	1976-77	1977-78		
New Jersey 490 LEAs	0	8	8	5 days
New York 736 LEAs	3	15	0	2 days
Puerto Rico 30 LEAs	100	100	20	20 days
Virgin Islands 1 LEA	0	100	100	1 day
REGIONAL AVERAGE	4	13	4	28 days

REGION III

State and Number of LEAs	Approximate % of LEAs implementing one of the evaluation models in:		% of LEAs Trained by:	# of days of Technical Assistance for SEA Personnel by:
	1976-77	1977-78	6/30/77	6/30/77
Delaware 23 LEAs	78	100	100	13
Maryland 24 LEAs	0	29	0	5
Pennsylvania 505 LEAs	0	2	100	5
Virginia 140 LEAs	0	30	30	5
West Virginia 55 LEAs	9	100	100	15
District of Columbia 1 LEA	100	100	100	3
AVERAGE PERCENTAGE	3	21	80	

REGION IV

State and Number of LEAs	Approximate percentage of LEAs implementing one of the evaluation models in: 1976-77	1977-78	Percentages of LEAs Trained by 6/30/77	Days of Technical Assistance for SEA Personnel by 6/30/77
Alabama 127 districts	100	100	100	6
Florida 67 districts	20	35	100	5
Georgia 187 districts	1	15	100	7
Kentucky 181 districts	0	2	0	1
Mississippi 152 districts	2	30	100	5
North Carolina 145 districts	4	20	100	4
South Carolina 92 districts	100	100	100	4
Tennessee 147 districts	2	100	100	7
Regional Average	22	45	83.5	4.87

REGION V

State and Number of Title I LEAS	% of LEAs Implementing One of Evaluation Models in: 1976-77	1977-78	% of LEAs Trained by 6/30/77	Days of Technical Assistance for SEA Personnel by 6/30/77
Illinois: 797 Districts	0%	7%	29% *	8
Indiana: 302 Districts	0	40	100	4
Michigan: 575 Districts	0	0	0	1
Minnesota: 439 Districts	0	13	13*	3
Ohio: 625 Districts	100	100	64	3
Wisconsin: 388 Districts	0	15	15*	3
Regional (3126 Districts) Average	3.2%	29.4%	33.7%	3.7

* Includes districts having 70% of students in Title I programs in state.

State and Number of LEA's	Approximate % of LEA's implementing one of the evaluation models in: 1976-77	1977-78	% of LEA's Trained by 6/30/77	Technical Assistance for SEA Personnel
Arkansas 385 districts	100%	100%	100%	9 days
Louisiana 66 parishes	0	10%	100%	13 days
New Mexico 86 districts	0	22%	22%	7 days
Oklahoma 612 districts	100%	100%	100%	4 days
Texas 1017 districts	0	1%	1%	11 days
Regional Averages	[illegible]6%	48%	31%	8.8 days

REGION VII

State and Number of LEAs	Approximate % of LEAs implementing one of the evaluation models in:		% of LEAs Trained by 6/30/77	Technical Assistance for SEA Personnel by 6/30/77
	1976-77	1977-78		
Iowa 440 districts	9	45	77	6
Kansas 250 districts	0	100	100	1.5
Missouri 389 districts	1	90	55	1
Nebraska 300 districts	0	100	75	4
REGIONAL AVERAGE	3	80	78	3

REGION VIII

ate and umber of LEAs	Approximate % of LEAs Implementing one of the Evaluation Models In: 1976-77	1977-78	% of LEAs Trained by 6/30/77	Technical Assistance for SEA personnel by 6/30/77
olorado 72 districts	0	7	75	4
lontana 50 districts	50	100	90	3
orth Dakota 67 districts	0	25	90	11
outh Dakota 98 districts	100	100	95	0
'tah 0 districts	0	10	50	2
/yoming 2 districts	0	9	75	4
EGIONAL VERAGE	33	55	86	4

REGION IX

State/Territory and Number of LEAs	Approximate % of LEAs Implementing one of the Evaluation Models In:		% of LEAs Trained by 6/30/77	Technical Assista for SEA personnel b 6/30/77
	1976-77	1977-78		
Arizona 145 districts	5	36	100	6
California 1080 districts	0	1	35	3
Hawaii 7 districts	0	100	100	2
Nevada 17 districts	0	100	100	2
Guam 1 district	100	100	100	0
Trust Territory 6 districts	0	50	0	0
Samoa 1 district	0	100	0	0
REGIONAL AVERAGE	1	7	44	2

REGION X

State and Number of LEAs	Approximate % of LEAs Implementing one of the Evaluation Models In: 1976-77	1977-78	% of LEAs Trained by 6/30/77	Technical Assistan for SEA personnel 6/30/77
Alaska 51 districts	2	16	100	4
Idaho 103 districts	100	100	100	5
Oregon 332 districts	1	7	40	4
Washington 250 districts	0	32	100	4
REGIONAL AVERAGE	14	29	73	4

Dr. Evans. In my prepared statement, Mr. Chairman, I try to deal with two aspects of the work that the Office of Education has carried out with respect to the assessment of Title I.

As you indicated in your introductory statement, there was introduced into the legislation recently a section called 151, which mandated the Commissioner of Education to undertake a number of activities with respect to the evaluation of Title I of ESEA.

Several parts of Section 151 were specifically aimed at the committee's interest in upgrading and improving the local capability for evaluation in state departments of education and at the local school district level.

Section 151 called for us to develop procedures and standards, and in particular to develop a series of evaluation models for how the local areas should evaluate Title I and to actually require that these be used; and also to carry out other studies directly on our own, evaluating the effectiveness of Title I.

We have gone forward with that work in a substantial, and I would say vigorous, way, and have kept your committee apprised of that work during the past year and a half, and in particular worked with the committee staff.

A fair summary of that work would be to say that while the earlier analyses that we have done in the Office of Education, and others as well, indicate that the quality of evaluations carried out at the State and local level have been quite poor, the work we have done now provides, I think, some real encouragment that some improvement can be anticipated.

We did, as Section 151 required, develop a series of technical, methodological, evaluation models which if used at the state and local level would certainly improve the quality of state and local evaluations enormously.

We have also developed some other techniques associated with those models which would allow us to take the evaluation results that come from the State and local level through those models and compile them into a national report on the effectiveness of Title I.

The reception of the models we have developed has been substantially more enthusiastic than I myself had anticipated. We have developed a number of workshops to make clear how these models can and should work, and they have been enthusiastically attended and received.

We have also instituted ten technical assistance centers around the country to help State and local education agencies understand these evaluation models and implement them in their own localities.

These technical assistance centers are also receiving unanticipated demand for their services, and we now have 40 percent of the Title I school districts in the country that are making use of these centers, and are moving towards implementing these new technical evaluation models.

So before too long I think we can anticipate some outcomes from that, and therefore I think the progress in that area has been significant.

In addition to developing those models and carrying out those activities, all of which are aimed at trying to improve state and local capability for evaluating their own programs, and having that data there for their own decision making, we have also carried out some very ambitious national sample-based evaluations from our own office, designed in our office, and the field work carried out under contract.

We have reported recently the results of the principal study we have completed in this area, and I think it is worth briefly summarizing those data here.

There are really two areas that we have focused on. One is the specific requirement that the committee called for by way of a mandated study in Section 417 of the General Education Provisions Act, asking us to provide data on the number of economically poor and educationally disadvantaged students, (low achievers) receiving and not receiving Title I services.

We have completed that work and reported it informally to the committee already. What it indicates is, as the report from NIE also showed, that there is what could be described as a reasonably accurate targeting or focusing of Title I funds on both poor and disadvantaged children; but the data also indicates that the correlation is far from perfect, and that there are significant numbers of low achieving children who are not receiving Title I services.

I am sure there will be other questions on that. Let me let that stand for a summary on that part for the moment.

Let me go on to what is more important; that is, the work we recently completed on what Title I is accomplishing by way of bringing about increased student achievement among disadvantaged children.

We completed a very large national study and reported its findings just a few months ago which I think is one of the most important pieces of research or evaluation-based information that we now have in hand on Title I. What the results of that study indicate is that the services delivered by the Title I program are apparently capable of preventing what in the absence of the program, would otherwise be a significant achievement decline among disadvantaged children.

The normal pattern we observe for disadvantaged children, as I think the committee knows, is one of starting out at a disadvantagement, and the gap between the disadvantaged children and their middle-class peers widening even more.

Our study shows that among those children who receive Title I programs and services, that normal and predicted decline is arrested. But the evaluation results also indicate that the program is not at this time sufficiently powerful in its effect that it completely redresses the effect of the disadvantaged background of the children.

So, I would say in summary of the work that we have carried out, Mr. Chairman, we find that the funds could be described as reasonably well targeted, but far from perfectly targeted. And we find that the program activities, contrary to the views of some analyses and critics—and some earlier evaluations—are not without effect on disadvantaged children. They are producing some very measurable, positive benefits, but those positive benefits should not cause us to be overly satisfied at this time. That there remains a great deal of work to be done in Title I in order to improve and expand the programs to a level where they can have the larger and broader effects that I am sure the Congress intended.

Chairman **Perkins**. Thank you very much, Dr. Evans.

I think I will open up the questions to the witnesses in the order we heard from them.

Dr. Hill, is it safe to say that your main finding is that the Title I program is working as Congress intended it to do? In other words, if I could summarize your testimony, you are saying that Title I is directing funds to areas with high numbers of low income children, providing additional services for those children, and leading to improvement in the academic achievement of poor children.

Do you want to elaborate?

Dr. **Hill**. Mr. Chairman, that is certainly a correct summary. I would only elaborate by agreeing with Dr. Evans that the program has a number of deficiencies, and that there are a number of ways in which it can be changed so that it can more effectively attain its goals of providing good services and helping children achieve.

With respect to the basic objectives of the program and the basic principles on which the Office of Education is administering it, we find that the program is effective and reasonable.

Chairman **Perkins**. Dr. Rotberg, you point out in your testimony that nine out of ten school districts in the country receive Title I aid. From your research, have you found that there is need to concentrate additional resources on school districts with high concentrations of poor children, whether these school districts are in urban or rural areas?

Dr. **Rotberg**. Yes. We found that although school districts with large proportions of low-income children receive more funds, they receive less funds for each low-income child. The high concentrations of low-income children are found both in the rural and urban districts. They are also found in urban districts.

But, because of the cost factor in the formula, which is intended to provide a rough measure of State education costs, the amount of funding per low-income child is less in the rural districts than it is in the urban districts.

Chairman **Perkins**. Dr. Evans, you mentioned in your testimony that Title I funds are mostly given to schools with high concentrations of poor children, and that the same schools have high concentrations of poor readers.

Have your studies shown a strong relationship between poverty and low educational achievement?

Dr. **Evans**. I would say the fair answer to that question, Mr. Chairman, is that there is a definite relationship between poverty and low achievement, but it is by no means a perfect relationship. There are many children in the schools who are low achievers, who are not poor, and many poor children who are not low achievers.

Chairman **Perkins**. I am talking about the great majority.

Dr. **Evans**. In terms of majority, I would say yes, that that is correct.

Mr. **Quie**. Wait a minute now.

Chairman **Perkins**. All right.

Mr. **Quie**. Are there more poor low-achieving students or more nonpoor low-achieving students in the school system?

Dr. **Evans**. There are more nonpoor low-achieving students.

Mr. **Quie**. Say that over again.

Dr. **Evans**. There are more nonpoor low-achieving students.

Mr. **Pressler**. What does that mean?

Chairman **Perkins**. Let me say, Dr. Evans, you point out in your testimony that there are more nonpoor students who are receiving Title I assistance than there are poor students receiving such aid.

You also point out that there are slightly more regular than low-achieving students, quoting from your testimony, receiving services from Title I.

Could you give us the definition of poverty that you used in this study, and also your definition of low achievement? I may be mistaken, but I suspect that the definition of poverty you use was solely the Orshansky index of poverty, and that you did not consider AFDC children above the Orshansky index as poor children.

If that is inaccurate, then your findings do not reflect the definition of poor children used in Title I. Am I correct?

Dr. **Evans**. You are correct, Mr. Chairman.

Chairman **Perkins**. If I am not mistaken, your definition of low achievement is whether a child was one year behind in reading. As you know, the Title I statute does not use this definition of low achievement, and I believe that even the regulations do not use this definition of low achievement.

Therefore, unless I am mistaken, your study uses stricter definitions of both poverty and low achievement than the Title I statute and regulations use, is that correct?

Dr. **Evans**. That is correct, Mr. Chairman. On the matter of the definition of achievement, that was the definition contained in the law which mandated the study in question.

Chairman **Perkins**. I am pointing out this problem of how you define poverty because the study you funded by the Decima Corporation says the percentage of poor children in the country is 17.3 percent, while another study you funded says the percentage of poor children is 28.39 percent.

If you take the higher figure provided your statements by Title I serving more nonpoor than poor students could not be accurate. Is that correct?

Dr. **Evans**. I cannot respond to that, Mr. Chairman. I would have to check on that.

Chairman **Perkins**. I am also pointing this up because in 1976, the year of the study, 89.2 percent of the Title I children counted for formula purposes were Orshansky children, but the remaining 10.8 were not Orshansky children. They were mostly AFDC children.

So, it would seem to me that the conclusions of your study are questionable because your definitions of poverty and low achievement were too strict, and different from those used in Title I. What is your comment on that?

Dr. **Evans**. My comment on that, Mr. Chairman, is to merely repeat my early remark, which is that the definition of achievement is the one used in the law, one year or more behind.

Chairman **Perkins**. For the study, but not for Title I.

Dr. **Evans**. Yes, it was. The mandated study came from Section 417 of the General Education Provisions Act, which called for us to carry out the study, relating achievement and economic status to Title I participation, and called for that particular definition to be used.

Mr. QUIE. Mr. Chairman, I just wanted to point out in the table of the Decima study, which indicated, again using the current poverty figures. If you use the current 1976 poverty figure, 33 percent of the low achievers are poor and 67 percent of the low achievers are nonpoor. You have to go up to 150 percent of the current poverty level before you have an even split—half of the low achievers are poor and half are nonpoor.

In order to turn it around so there is 36 percent of the low achievers are nonpoor and the 64 percent of the low achievers are poor, you have to go to 200 percent of the current poverty figures in order to do that.

Chairman PERKINS. I think the question I put to the witness explained the discrepancies about this study.

Mr. QUIE. There are some people who refuse to accept the fact that there are more nonpoor low achievers than there are poor. Anyway you cut it—except if you run the poor figures up to about the average income in the country.

You check any of those tables. I find that when people don't like what the results are, then they pick some faults with the study, rather than going back to the premise again. The premise is the assumption in 1965 that low achievers——

Chairman PERKINS. We go to the history, the law and the facts. I don't think they bear out what you are saying.

Mr. QUIE. All I ask you is to bring in the facts on the other side.

Chairman PERKINS. You heard part of it today.

Mr. QUIE. No. I only heard the questions you raised, but not any of the facts.

I think we ought to try and get this based on the facts, rather than the biased assumptions that we had in 1965, when poverty was the main interest of the nation in that year. I would just like to make certain we know that the facts are not carried out in any of the assumptions we had before.

Dr. EVANS. The reason several apparently different statements that are true may seem to be inconsistent, is that as this same study showed, 43½ percent of the poor are low achievers, while only 19 percent of the nonpoor are low achievers, which is the basic point, I think, Mr. Chairman, that you have been concerned about.

Mr. Quie is also correct because the nonpoor population is much larger than the poor population, so the actual number of students that are low achievers among the nonpoor turns out to be larger.

The Decima study shows there is a distinct overlap between poverty and low achievement, but it is far from a perfect correlation.

Therefore, I think—to depart from the technical features of this discussion for a moment—in the original conception of Title I, it is not clear to me and I think it is not clear to a lot of people whether the program was primarily intended to assist poor people, whether it was primarily intended to assist low achievers who are also poor, or whether the program was primarily focused on low achievement as an educational problem in its own right. Those are the kinds of concerns that have to be sorted out and clarified before one can decide whether the current operation of the program is precisely as the Congress wanted it.

Mr. Quie. We know that if you move the poverty level up, that then a greater percentage of the low achievers could be called for. What if you changed the definition, instead of one year below grade level and went to something else, one and a half years, two years below grade level.

Does that make any significant difference in the relationship?

Dr. Evans. I don't know the answer to that question, Mr. Quie. Let me just say that even the present definition, as you will notice from some of these tables, is difficult to operate with that because at the first and second grades, the definition of one year below grade level makes no sense, or cannot be measured or implemented.

The first grade children cannot be measured with the same kind of achievement instruments. To even think of what it means for a first grade child to be one or more years below a grade level achievement is almost a contradiction in terms.

Mr. Quie. This is grades two through six. But I recognize it is a little different in grade two than in grade six.

Dr. Evans. I just don't know what would happen if we were to change it that way.

Mr. Quie. Could you take a look at some of the studies because what I have read indicates that there is a dramatic difference. When you change the definition of poverty to $10,000 instead of close to $6,000, for a family of four, then, of course, there would be a higher percentage of poor who would be low achievers.

However, what I have seen is no matter how you cut the definition of what is low achievement, you come out at about the same ratio. You don't find the difference there.

I would like to see that verified.

Dr. Evans. We would be happy to do that.

Mr. Quie. Thank you.

In one part of your testimony you mentioned students were scored around the 16th percentile at the beginning of the school year. Although they made impressive achievement gains at the end of the year, their achievement remains well below the 50th percentile.

Are you using the factors at the 50th percentile or do you figure the percentile again as those students move up? You can't get everybody above the 50th percentile.

Dr. Rotberg. That is right. Your point is very well taken. These are national norms. It is difficult for students in compensatory education programs to make large percentile gains because to do so they have to gain at a faster rate than the other children taking the test, who are also receiving educational programs.

Therefore, the percentile gains in our study of well-planned programs were unusually large.

However, the children were below the 50th percentile at the end of the school year—their scores ranged between the 20th and 37th percentile.

Mr. **Quie**. Also, you mentioned that there are more small classes. Does that mean those classes are smaller or do you use the pull-out as a part of the whole mix of determining there are smaller classes?

Dr. **Rotberg**. In the pull-out situation, the class size itself is considerably smaller. It is usually around ten students. The instructional groups within the class are also small. Children are taught in groups of approximately three and four children on average in pull-out classes.

When children receive special services in the regular classroom, the class size, of course, is larger than in pull-out instruction, but the instructional groups within that class are small.

Mr. **Quie**. Have you seen any effect of smaller classes on the results?

Dr. **Rotberg**. No. As far as the research results are concerned—and I am referring to the study of well planned programs that I reported on—we found that students taught in small instructional groups made achievement gains.

Students in well-planned programs who were taught in larger groups also made good gains. Therefore, the findings did not show that class or group size were specifically related to achievement gains.

I should point out that we probably did not have extremes represented in these programs; there were very few situations in which children were taught on a one-to-one basis.

Mr. **Quie**. Teachers talk to me about problems they have if, say, they get five Title I students mainstreamed into their class, they have to spend more time on them, even if they should get extra teacher aid, if they didn't have them, and they would like to have smaller class size.

Also at some other time they indicated when you use the pull-out, the students who remain in the class have a higher increase in achievement than the ones pulled out. Do you find that to be true?

Dr. **Rotberg**. Yes, a study in New York City reported that finding for the students who remained in class.

Mr. **Quie**. You didn't find any of that?

Dr. **Rotberg**. No, we didn't. We did not make that type of comparison.

Mr. **LeFante**. Mr. Pressler?

Mr. **Pressler**. I have some questions about what you find in smaller towns or rural areas in terms of the application of this program. Is there a section here on rural areas, or small towns, or did part of your study include that?

Dr. **Rotberg**. We did not report specifically on that issue in our testimony. We have held meetings with a number of Title I coordinators from rural areas and small towns. They describe several difficulties in implementing the program.

First, they often cannot spend full time on the Title I program because Title I funds pay only a portion of their salary. It is also very difficult in these areas, for example, to hire reading specialists. These districts often have a large proportion of needy children. So, they do find that it is quite difficult to implement the program.

Mr. **Pressler**. In many Federal programs I find in my constituency in South Dakota that it is hard to make them apply for this. Of course, part of that is a problem of size as a practical matter.

But, did you find that there were initiatives being taken to make Title I more applicable to small towns and rural areas?

Dr. ROTBERG. Our study did not specifically address that issue.

Dr. HILL. Mr. Pressler, something we learned also in informal contacts with people from small rural areas, and with the Office of Education, is that the Office of Education has tried to provide more liberal interpretations of a number of the funds allocation requirements, such as comparability and the requirements for parent advisory councils.

So that rural districts which may have very small, widely dispersed populations, and just don't fit the standard urban model of a compact population with a lot of schools, can operate the program under less restrictive requirements than more urban districts.

Whether all of the needs of rural districts have been accounted for by the liberalizing of requirements by the Office of Education, I don't know. I know that the rural areas are being quite articulate about their problems, and the Office of Education is listening to them.

Mr. PRESSLER. Could I get anything additional that you have—this study you have here, I don't really see much in it, unless I am missing it here, about the problems of some of the more rural and small towns—and by that I suppose—my district is dimpled with towns of 400 people, a small school, and so forth. So, that is quite significant. I don't know what percentage nationally that would be, but I would guess it is probably higher than we would think.

I am groping here. Maybe you can help me. Did you cover that? Is there something in writing someplace?

Dr. HILL. Mr. Pressler, there is a study which I have not examined very closely which was funded by another office at NIE, which studied rural education. We will make that available, if you would like.

Mr. PRESSLER. This particular study—I am not saying it is a critical thing. I just want to know. This particular study was largely oriented towards what you would say would be our larger cities, larger city schools, is that right?

Dr. HILL. Mr. Pressler, that is not so. We did do a national sample. We have not, in our formal reports, broken out rural areas. I would like to ask Dr. Nyitray to add something here.

Dr. NYITRAY. The national sample for the survey did include both very large, medium sized and small districts. Many of these small districts, small in terms of student enrollment, are of course in rural areas.

In terms of reporting the data on services, we did not divide the sample up into small, medium and large, and report the results separately. We could do some of that analysis. We have not at this point.

Mr. PRESSLER. My office would be very interested in some of that, as particularly it relates to some of our smaller schools.

I think it is important to—I think a lot of these programs, maybe I am incorrect—we in the sixties set these programs up, and it is true of older Americans programs and lots of other programs, and as a practical matter it is hard sometimes to make them apply.

I understand that, but we are in a situation where we sometimes overlook the impact in some of our lesser populated areas.

In what you have done, has there been any significant differences in the way Title I—what the results are in smaller schools than in large urban center schools?

Dr. NYITRAY. We have not looked at the data that way, frankly. What I have seen does not indicate there is anything distinctive about the patterns of services in rural areas. But basically for our reports, we were trying to present the national picture. So we aggregated both small and large districts together.

Certainly our conferences, where we talked to people from small districts, indicated that they did have some particular problems. It may be if we looked at the survey data in that way there would be some distinctive differences in the way they operate their programs.

I would suspect that there would have to be distinctive differences in some rural areas because of the difficulties, for example, in districts that have students spread out over large areas. Such districts would obviously experience difficulty providing distinctive services for those students.

Mr. PRESSLER. I am told by the Congressional Rural Caucus that almost 35 percent of our Nation's population lives in towns of less than 10,000, in our rural areas, and that there may be some variations on that figure.

But I would guess we are talking about close to 20 percent who live in either rural areas or what we call small towns. I would certainly hope that the study, we will see some follow-up in terms of those impacts on some of those smaller towns and rural areas.

Can I work with somebody on that? How will I get that? Can we help in analyzing the data?

Dr. NYITRAY. I can call your office, and we can discuss what kind of questions——

Mr. PRESSLER. Okay. Could we have a meeting on that?

Dr. NYITRAY. Certainly.

Dr. ROTBERG. Many rural areas do receive less money per poor child. It is very likely simply by definition that these areas either are able to serve fewer of their eligible children or have to give each child less expensive services than in certain other areas of the country.

Mr. PRESSLER. Thank you.

Thank you, Mr. Chairman.

Mr. LEFANTE. Dr. Rotberg, does the NIE study show how well the parent advisory councils are functioning and do you have any comparison of rural and urban groups?

Dr. ROTBERG. Yes. I am afraid that we do not have information on that last comparison. Overall, however, the parent advisory councils appear to have very different roles in different districts.

In some districts, they are involved in the implementation of the program and really exert some influence on the district. In other districts, either because of the way the school district is run or simply because of a lack of interest on the part of the parents, the parents play much less of a role.

For example, when we talked with districts about their reaction to the mandate that school level parent advisory councils be established, many of them said that they were pleased and in fact found these councils very helpful. Others, of course, would have preferred that school level councils had not been established.

But certain school districts—and I think quite honestly—said that they would like parents to play a greater role, and that in some cases claimed there was simply a lack of interest on the part of parents.

Mr. **Le Fante**. How do you feel about it?

Dr. **Rotberg**. I am sure that parents play a useful role in many districts. Unfortunately, we do not have information on the proportion of districts in the country in which parents are actively involved in the Title I program.

Mr. **Le Fante**. Do you think that would be important enough for this committee to find out?

Dr. **Rotberg**. I think it would be useful.

Mr. **Le Fante**. There is strong emphasis put on the parent advisory council participation. We have had witnesses appear before this committee time and time again, and they were emphatic about it: The reason Title I works better in district A compared to district B is the parent advisory council participation and interest, because it goes from the classroom to the home and from the home back into the classroom, et cetera.

I notice in your testimony that you said "Of all the noninstructional services, only the activities related to parent advisory councils are receiving a growing share of Title I funds."

Dr. **Rotberg**. That is right, and I believe that increase is, in itself, an indicator that the groups have become more active in recent years. Also, of course, there is no other source of funds for parent advisory council activities, in contrast to other noninstructional activities, such as counseling or food services, where districts often can draw on other resources.

I think parents can be involved in several ways. They can be involved to ensure that the services are going to the right students; they can also probably, to a limited extent, be involved in determining the types of services that are provided, even though I doubt very much that they can get into details of instructional techniques.

In other school districts parents work as aides in the classroom or are encouraged to help their children at home. This generally is considered very useful, though when there is an attempt made to see whether parent involvement actually increases children's achievement scores, the results usually show no difference.

Mr. **Le Fante**. We assume there is no uniform standard of participation?

Dr. **Rotberg**. That is right; participation refers to several different activities.

Mr. **Le Fante**. Do you think the language in Title I with regard to the mandate of parent participation is strong enough for qualification of Title I funds?

Dr. **Rotberg**. I am not sure how it would be possible to be more specific about the kinds of activities in which parents should engage because that choice has so much to do with the particular make-up of the parent groups in each district and the relationship of the group to the district administration.

Mr. **Le Fante**. In your studies or association with school district personnel, have they ever indicated to you their job is a little more easy or they may be more productive with the children in areas where the parent advisory council is active?

Dr. ROTBERG. Many districts have told us just that.

Dr. HILL. Mr. Chairman, I think we should say some districts have told us the opposite, and that, for the most part, educators value the participation of parents. In some places, as Dr. Rotberg said, some parent advisory councils take an aggressive attitude toward district policy, and that does lead in some cases to conflict between the school superintendent and the parent advisory council. It is not clear that parent advisory councils can be both participants in the instructional process and participants in the policy-making process simultaneously. Sometimes when they try to do that, there is conflict within the local district. I think we have to be fair in saying that.

For the most part, I don't know of any educator who would rather have less than more parent involvement in the program. Almost all would rather have more.

Mr. LE FANTE. In any event, whether there is more or less, is my understanding correct that the panel feels if we had a uniform standard for parent participation, it would be helpful? Spell it out, in other words.

Dr. HILL. Mr. Chairman, it is clear that the States and school districts are uncertain about what their obligations are about parent advisory councils. There are reasons, then, to think more clarification in the statute and regulations would help. It would be, however, less clear that making it definite what each Title I parent should do as part of his or her participation in the program, whether that would be possible, but to delineate the rights and obligations of the district and parent advisory councils more clearly, I am sure that would be constructive.

Mr. LE FANTE. Dr. Evans, there is one paragraph in your testimony that raises a question in my mind and perhaps you can clarify it for me.

You say, "Although there are proportionately more poverty than non-poverty students served by Title I, due to their greater absolute numbers more nonpoor than poor are served by Title I."

Could you define or clarify the services that the nonpoor receive from Title I?

Dr. EVANS. Can I clarify the services?

Mr. LE FANTE. You say on page 25, "Although there are proportionately more poverty than nonpoverty students served by Title I, due to their greater absolute numbers more nonpoor than poor are served by Title I."

My question is, what services are the nonpoor receiving under Title I?

Dr. EVANS. The nonpoor in that reference, Mr. Chairman, are receiving the same kinds of services as the poor. What happens, as I think you know, and this refers back to some of the discussion that took place between Mr. Perkins and Mr. Quie, when the Title I money gets to the school building level, they can make determinations as to what children they wish to include in the program. Up until that time, the allocation method has emphasized economic considerations. But at the school building level, the principal and the school personnel are directed to take into account educational need, and, therefore, such factors as their own testing programs, their own judgments as to the educational need of the children come into play.

What we find, then, when we go out and look at the actual children who have been placed in Title I programs at the school building level, is what you recited from my testimony; namely, that while the majority of the poor are low achievers and are being treated, the fact that the nonpoor population everywhere is larger than the poor population means that the schools have determined on their own judgment that a number of the children in their schools do need Title I services, and they give them those services. And while they are a smaller proportion of their parent nonpoor body, so to speak, they are larger in absolute number because the nonpoor make up 80 percent, and the poor make up roughly 20 percent of the population. Therefore, so even though the larger proportion of the poor receive the services, the actual number of nonpoor is larger.

Mr. LE FANTE. Bearing in mind the original intent of the legislation and the purpose of these funds, do you agree with the situation you just described now? I am not sure I understand you.

Dr. EVANS. Let me take another stab at it. What I am saying is, when you look at the school building level, you find a larger proportion of the poor are receiving Title I services than of the nonpoor. But the nonpoor group is so much larger that a smaller percentage of it yields larger absolute numbers. That is what you find when we look at the data.

As to whether I agree with it or not, Mr. Chairman, I am hesitant to take a view on that because it goes back to the question I raised earlier. If it is the intent of the Congress and the intent of this law to focus the effects and services of this program solely on children who are educationally needy, then clearly there is a lack of perfect correspondence between those intended to receive services and those who receive them, because there are nonpoor children, and there are high-achieving children receiving services.

If, on the other hand, as the law says, it is the purpose of the law to use poverty not merely as a proxy measure for nonachievement by using poverty, but it is the purpose of the law to actually aid poor children, then the purpose of the program should properly remain in that direction. Even there, we find, as you have just noticed, whether you use either the criterion of low achievement or the criterion of poverty, the services are not precisely accurately focused. There are both nonpoor children and non-low-achieving children who have found their way into the program as a result of the judgments at the school level. But, in general, the program is moderately well targeted on both the poor and the low-achieving, and those two groups tend to overlap to a substantial extent.

Mr. LE FANTE. Let me attempt, through another procedure, to clarify this in my mind. On page 25 of your testimony, there is another paragraph which says, "Schools that receive Title I funds have high concentrations of students from poverty background and high concentration of poor readers." My first-blush impression would be that you are saying that many children from poverty backgrounds are also poor readers. Is that what you are saying?

Dr. Evans. Yes.

Mr. Le Fante. Yet, in fact, what you have told me, if we went in and made a complete survey, we may find that the nonpoor are poor readers also.

Dr. Evans. That the nonpoor are what?

Mr. Le Fante. Poor readers.

Dr. Evans. Well, what we find is that while that statement that your summary of my statement is true, that it is not totally true; that there are some nonpoor children who are low achievers who have been identified as needing Title I assistance at the school level and have been given it. By the same token, there are some poor children who have been identified as not in need of Title I services and have not been given them; but there is a general overlap or correlation of the three factors, of poverty, educational need or educational disadvantagement, and treatment by the program. Even though there is that general overlap, however, it is far from a perfect overlap, and you find these exceptions that I have noted.

Mr. Le Fante. If we attempted to write some specific standard procedures for the poor versus nonpoor and high achievers versus low achievers, could we say, as per your testimony, that one in two from a poverty background will be a low achiever and one in five from a nonpoverty background will be a low achiever; is that accurate?

Dr. Evans. Yes, sir.

Mr. Le Fante. Can we apply the same ratio in determining what percentage would be poor readers? If we were to convert the one in two versus the one in five, versus the 15 percent, or whatever figure it might come out to be that were poor readers, would you say that you have an equivalent percentage of poor readers from the nonpoor versus the poverty?

Do you understand what I am trying to do?

Dr. Evans. No, sir, I don't.

Mr. Le Fante. Well, if I am confused, it is because you confuse me.

Dr. Evans. It is not clear. It is complex, I agree.

Mr. Le Fante. If we can safely assume that one in two from poverty backgrounds will be low achievers, and that one in five from nonpoverty backgrounds will be low achievers, can we also assume that that same denomination would apply to the poor readers? In other words, if Title I funds are allocated to an area where there is high concentration of students from poverty backgrounds, and, say, 70 percent of the classroom is from poverty backgrounds and the other 30 percent is nonpoverty, would that ratio still apply?

Dr. Evans. I don't believe so, if I understand your question, Mr. Chairman. As you just indicated, if you take all the people who are low achievers, never mind anything else about them——

Mr. Le Fante. All things being equal.

Dr. Evans. ——you find that roughly two-thirds of them are nonpoor and roughly one-third of them are poor. And obviously the breakdowns become different if you break it out among the poor and the nonpoor. It yields a different picture.

I am frustrated at not being able to make this clear, except to say that, as I have said before, if the law had insisted that Title I programs focus only on poor children and did not treat any nonpoor children, it is clear that it would miss a significant number of the educationally needy children in the country, although it would catch a large proportion of them.

On the other hand, if the law changed and focused and insisted that programs of Title I focus only on low-achieving children, it would end up treating some poor and nonpoor children and leave out a lot of poor children in the treatment. Those categories just do not overlap perfectly. By focusing, as the program has, on poverty, both as a desirable focus and a proxy for educational need, it turns out to have been a pretty good social instrument to get at a lot of interests around Title I. It has captured in that net a lot of the poor children, of course, and a lot of the educationally needy children, but it has left some out as well.

Mr. **Le Fante**. Thank you, Doctor.

Mr. Heftel?

Mr. **Heftel**. Thank you.

Am I correct, though, that when we say one in two poverty children will be under-achievers and one in five nonpoverty will be underachievers, that this really is not applicable to a school situation where you could measure the school in relation to those figures because those figures are based upon a composite of all students. Unless you set up a standard for economically deprived versus noneconomically deprived percentages in a school and used that as a standard, you cannot start relating this back to what you should find in the school *per se*?

Dr. **Evans**. That is certainly true, Mr. Heftel. If the committee desires to make any change in the law, it wouldn't want to do so, I shouldn't think, by using percentages of this sort, because, as you just indicated, those are national average percentages covering all the kinds of districts that Mr. Pressler was speaking of plus major innercity districts and the like among which there is enormous variation. The committee would have to make a decision on which of the two criteria, poverty versus educational achievement, it wishes to put the greater emphasis and require that be used as the measuring device.

Mr. **Heftel**. I think it is important to make note that these percentages just cannot be applied as though they are consistent with what is occurring in any given school. It may have no application at all to a given school.

Dr. **Evans**. That is correct, and there was never any intention that the figures were to be used that way. The main purpose of the figures is to help inform the discussion going on now, which is what is the relationship between poverty and low achievement, and how should the law and the program deal with that? That is what these figures, despite their complexity, help enlighten, because they tell us that there is a relationship and a positive one, but not a complete or perfect one.

Mr. **Heftel**. And not one that should be applied as a tool in determining whether the program is operating effectively in terms of its original intent, because, in fact, I think it was the intent of the law that we would not go into the school to find out who is and who is not in the poverty level. We would try to let the children assimulate not on the basis of poverty, but on the basis of learning achievement or learning ability. Is that correct?

Dr. **Evans**. Yes, and I think as Dr. Hill and Dr. Rotberg and others have testified, and as is indicated in the data we have alluded to, that is what you find. You find that the income criteria are applied and used down to the school level and once you get to the school level a variety of criteria are applied and as a result you get different kinds of kids in the program.

Mr. **Heftel**. The other question that has not been addressed, would we be able to improve the one in five nonpoverty low achiever percentage if we were using more funding to address the problem of the poor achiever or nonachiever in the nonpoverty group?

Dr. **Evans**. I think if no change were made in the program right now in terms of either law or regulation and merely more money were added to it, it is reasonable to assume that since the present program does embrace or include a significant number of the people you are referring to, that there would be some expanded effects in that population, namely, those who are low achievers who are nonpoor, because a fair number of those are being selected and included in the program as it is operating now. So if the funds were included, it would seem reasonable to predict that there would be some more treatment there; that is, that is how individual schools would opt to spend some of their money.

Mr. **Heftel**. Thank you. Thank you, Mr. Chairman.

Mr. **Le Fante**. Mr. Buchanan.

Mr. **Buchanan**. Thank you, Mr. Chairman.

I know you would probably like to get off this subject, but I want to pursue it for another moment in light of your last answer.

As I understand it, about half the children benefiting from this program are low achievers and about two-thirds are not in poverty, but the program is aimed toward people in poverty. If you wanted to be sure you included in this program as many as possible of the low achievers, would it not be necessary to redirect the program since the low achievers are spread throughout the whole universe and not only concentrated in the poverty areas?

Dr. **Evans**. Given the premise of your question, the answer would have to be yes.

Mr. **Buchanan**. So if we were to decide as a policy question that we not only wanted to take care of the poor kids, but we wanted to make sure the benefits of this program were directed toward as many low achievers as possible, we might need to redirect the program itself beyond the schools to which it would now go?

Dr. **Evans**. Yes, I think that is correct.

Mr. **Buchanan**. Of course, do not the desegregation laws have some impact here where children are transported out of maybe a disadvantaged neighborhood into some other kinds of neighborhood and enrolled in schools there? Is that a factor which may cause us to miss some poverty-status students and some nonachievers?

Dr. **Evans**. Yes, that is a very complicating factor, and I think the members of the committee and others have taken note of that in the past. A child that is receiving Title I funds for either educational achievement or poverty qualification reasons might under segregation action, move to another school or another district, especially in the way some of the desegregation programs are aimed—namely, to try to move children from highly concentrated segregated districts in inner cities to less segregated schools and school districts in suburbs where presumably the income and educational level is higher. It is conceivable those children might move to a school which was not a Title I school at all. And there would be no program.

One is inclined to predict, however, if that is the typical movement that you are asking about, that that child is likely to be more disadvantaged and would be more likely to qualify for individual services in the new district school to which he was moved than the one he left, since his educational achievement probably would be lower than that of his new peers, I would think, in that hypothetical case.

Mr. **Buchanan**. As I understand it, about 23 percent of all children are low achievers. I also understand that 24.6 percent of the total children in these grades are covered by Title I, but not all of them are low achievers. Do you have any idea of what percentage of the low achievers is being served by Title I?

Dr. **Evans**. If you take the low achiever population as such, about a third of them are being treated by Title I.

Mr. **Buchanan**. Thank you.

Now, in your testimony the other day before the Senate indicated you said students in individualized instruction programs make substantial gains in achievement, in general; however, their gains were no higher than those of students in less individualized classrooms?

Dr. **Evans**. I think that is Dr. Hill's testimony.

Mr. **Buchanan**. Excuse me, Dr. Hill. That seems to say individualized education makes no real difference in achievement level and if that is true, can you explain it? That seems to go against logic.

Dr. **Hill**. It is not meant to seem that. Individualized instuction in our study was as effective as other techniques.

Mr. **Buchanan**. Not more so?

Dr. **Hill**. Not more so than other instructional techniques which were well implemented and raised the achievement level of Title I children quite noticeably. All we were saying is that individualized instruction did not have a distinctive unique effect, but it did work.

Mr. **Buchanan**. Along with other special methods?

Dr. **Hill**. That is correct.

Mr. **Buchanan**. Tell me, how serious is the summer loss in Title I, and, if so, what can be done about it?

Dr. **Hill**. I would have a hard time telling you how serious it is. It is a phenomenon that does occur, at least according to existing research.

I would like to ask Dr. Frechtling to talk about what we are doing to examine the summer drop-off in the study and what the results may mean.

Dr. **Frechtling**. We are just beginning to really explore what this phenomena of the summer loss means and to verify that it is something that happens when you have the same children examined at different times.

To back up a little bit, it can be a very severe loss. The data that we have been able to look at following the same children across time shows that in some cases the losses are very severe. However, in many cases it is a phenomena of two steps forward, one step back, two steps forward, a half a step back.

There are gains maintained, and some new data we found does seem to indicate that those children who do make the largest gains during the school year, despite the fact they do make losses, are better off at the end of the summer than those that have not gained as much during the school year.

As a follow-up to the study that we conducted on the specially selected sample of schools where we found our large achievement gains at the end of last year, we are taking a subsample of those children and retesting them now in the Fall. In fact, the testing is almost completed, and we want to be able to look at the sample and examine certain questions with it: In general, were the gains we found on the school year basis maintained over the summer, and if they were unevenly maintained, were certain of the program characteristics that we studied in these programs related to larger or smaller gains. Finally, looking closely at the content of the tests themselves we want to see if we can determine whether the losses appear in any special areas as opposed to others or whether it is a general loss.

So we are hoping from this follow-up study to be able to shed a great deal of additional light on exactly what the summer loss phenomena means.

Mr. **BUCHANAN**. I guess you have to get more answers before you have any ideas as to solutions, or do you have any ideas?

Dr. **FRECHTLING**. Not at this point, no.

Mr. **BUCHANAN**. Now, one more area. What did your study find out about the training of Title I teachers?

Dr. **FRECHTLING**. We are right now in the process of looking more closely at this data. We did get a considerable amount of information from our special study on the training of Title I teachers versus the training of teachers who are in the regular classroom.

At first cut, it seems these teachers receive special training that is related to the subject matter they are teaching in and that they have training which is in addition to that of the regular classroom teachers. That is just a first cut, and we will be able to tell you more in a couple of months when we have looked at it more closely.

Mr. **BUCHANAN**. Thank you very much.

Thank you, Mr. Chairman.

Mr. **LE FANTE**. Does counsel have questions?

I would like to thank the panel on behalf of the committee for your appearance here today. I am sure that the testimony will be most helpful when we sit down and go over the record in our deliberations.

The committee will stand adjourned until 9:30 tomorrow morning, at which time we will take up Title I again.

[Whereupon, at 11:59 a.m., the subcommittee recessed, to reconvene at 9:30 a.m., Wednesday, October 19, 1977.]

PART 16: SERVICES AND STUDENT DEVELOPMENT

WEDNESDAY, OCTOBER 19, 1977

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND
VOCATIONAL EDUCATION,
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2175 Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Members present: Representatives Perkins, Kildee, and Quie.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Chairman PERKINS. The Subcommittee on Elementary, Secondary, and Vocational Education will come to order.

We are continuing the hearings this morning on Title I, ESEA, Services and Student Development.

We have with us several outstanding people from the U.S. Office of Education. Dr. Richard Fairley, Director, Division of Education for the Disadvantaged, U.S. Office of Education will be testifying. You come around first, Dr. Fairley.

He is accompanied by Dr. Thomas K. Minter, Deputy Commissioner, Bureau of Elementary and Secondary Education; Dr. John Rodriguez, Associate Commissioner for Compensatory Educational Programs; and Mr. Paul Miller, Program Support Branch Chief, Division of Education for the Disadvantaged.

We will hear from you first, Dr. Fairley.

[Discussion off the record.]

Mr. KILDEE [acting chairman]. Ms. Genevieve Dane is also at the table.

Dr. Fairley, if you wish to begin your testimony.

STATEMENT OF RICHARD FAIRLEY, DIRECTOR, DIVISION OF EDUCATION FOR THE DISADVANTAGED, ACCOMPANIED BY THOMAS K. MINTER, DEPUTY COMMISSIONER, BUREAU OF ELEMENTARY AND SECONDARY EDUCATION; JOHN RODRIGUEZ, ASSOCIATE COMMISSIONER FOR COMPENSATORY EDUCATIONAL PROGRAMS; PAUL MILLER, PROGRAM SUPPORT BRANCH CHIEF, DIVISION OF EDUCATION FOR THE DISADVANTAGED; GENEVIEVE DANE, CHIEF, OPERATIONS BRANCH, DIVISION OF EDUCATION FOR THE DISADVANTAGED; AND GEORGE W. MAYESKE, U.S. OFFICE OF EDUCATION

Dr. FAIRLEY. Mr. Chairman and members of the committee, I appreciate the opportunity to discuss with you today the largest program under Title I of the Elementary and Secondary Education Act, Part A, Subpart I, which provides financial assistance to local educational agencies to meet the special educational needs of educationally deprived children.

Let me say at the outset, Mr. Chairman, that I have felt it an honor and a trust to be associated with this program which reaches so many needy children of our nation.

In addition, the language of the legislation, including the additions and revisions over the past 12 years, incorporate a sound, educationally viable process to redress the educationally debilitating effects of poverty.

Approximately five million children in 14,000 school districts in all states and territories benefit from Title I services at the local level. Ninety percent of the districts serving grades K-8 participate in Title I.

In terms of total participants, approximately 67 percent are in grades 1-6, 25 percent in grades 7-12 and 8 percent in preschool and kindergarten. About 225,000 participants attend nonpublic schools. Approximately two-thirds of the children deemed eligible by their districts, K-8, are served by Title I.

As required by Section 103(a)(2) of the Elementary and Secondary Education Act, a formula based on the number of children from low-income families determines the grant to counties from the Federal appropriation. The State Education Agency then suballocates funds equitably to local educational agencies in accordance with basic criteria prescribed by the commissioner.

The local educational agency determines which school attendance areas have either percentages or numbers of children from low income families greater than the district average, whose children are therefore eligible to receive Title I services.

Utilizing a sequential process, the school district determines which children in each eligible attendance area, including those attending private schools, are not performing at the level appropriate for their ages. During this process the following questions are addressed:

What are their special educational needs? What program services are judged appropriate? How many may be served with the resources available? How will program effectiveness be judged?

In general, schools make use of existing pupil achievement data along with professional staff judgment to identify those children who are performing below grade level. These children are then screened to determine specific individual educational deficiencies as well as degree of need.

Students with the greatest educational needs are selected for Title I participation and their needs are classified so that programs of treatment can be designed.

Program objectives are formulated by category (e.g. reading, mathematics, language arts, et cetera), indicating who the participants are (e.g. those third graders performing below the 25th percentile in reading), the expected improvement as a result of Title I services (e.g. will gain an average of 7 percentile points) and the measurement instrument (e.g. 'x' test).

Although records are kept on each child's needs, progress and achievement, each project establishes program objectives which form the basis for overall program evaluation at the end of the year. These procedures are followed each year.

In planning and designing Title I programs for educationally deprived school children, LEAs consult with private school officials and collaborate in an assessment of the educational needs of the children who live in eligible attendance areas.

The project design includes appropriate services for these children who are in need of educational assistance.

The needs assessment, project design, and implementation process includes school and district consultation with parents of children to be served, responsible nonpublic school personnel, and other knowledgeable individuals.

The involvement of parents in the Title I program is accomplished through the legislatively required establishment of parent advisory councils (PAC) at the district level and in each school having a Title I program.

The councils provide parents an organized means for discussing their interests and concerns and for making their views and recommendations known to the local school district. In this way, parents participate in the decision making process and contribute to the effectiveness of Title I.

Parents advise local educational agencies in the planning for, the implementation and evaluation of Title I projects as prescribed by the law. They receive the training and information that enables them to perform these duties.

In many districts they are also trained in child development, leadership, ways to reinforce their children's education at home, and informed about other Federal and State programs and education issues.

PAC members in turn train other parents. The estimated number of parents serving on advisory councils is now over half a million.

The establishment of parent advisory councils has resulted in substantial improvement in the relationship and cooperation between the home and the school, the involvement of more and more parents in the Title I program, parents' awareness of their role in the education of their children, and parents' increased interest in and knowledge about the Title I program.

Thirteen States have been so encouraged by the success of the district and local PACs that they have established State Parent Advisory Councils as a method of strengthening parental involvement statewide.

Additional strengthening of the parent advisory councils may be warranted. Furthermore, there are other avenues for involving individual parents more closely with their childrens' education.

We are studying ways to improve parents' access to information about the schools' instructional program so that they can work with their children at home if they choose to do so.

Research shows that direct parent involvement can be a very effective extension of a school program, and we would like to see Title I projects promote this kind of learning in the home.

It has been found that the needs of children in private schools are not appreciably different from those of children in public schools. As a result, the nature and type of programs designed to meet the needs of educationally deprived private school children do not differ substantially from those provided to similarly deprived public school children.

The methods by which Title I program services are provided to private school children may vary according to conditions at the State or local level.

In many cases Title I personnel provide the necessary services or activities on the premises of the private school in which the educationally deprived children are enrolled. In other cases services are provided in space which has been leased by the public school district, in mobile educational units, or in a nearby public school classroom.

In the legislation it was foreseen that there could be obstacles which would prevent eligible private school children from being provided services on a comparable and equitable basis.

Therefore, the commissioner was provided with authority to arrange for the provision of services to eligible private school children through alternate means and to waive the requirement of the law from the LEA.

The arrangement of services and waiver of requirement, commonly called a bypass, may be implemented when an LEA is prohibited by law from providing services to private school children or when an LEA substantially fails to provide services on an equitable basis.

The bypass provision of the law has been implemented in four LEAs in Missouri and is in the process of implementation in five LEAs in Virginia. Additionally, the Title I programs in a number of LEAs in Missouri, Virginia and Wisconsin currently are under review to determine if a bypass is necessary to provide eligible private school children with services which are comparable to those provided to public school children.

The effect of voluntary or mandatory desegregation on Title I programs varies widely from district to district, depending on the scope of the desegregation plan and the distribution of low income families in the district.

Where new attendance areas are formed as a result of a plan, the LEA must rank the revised attendance areas and determine which are eligible for Title I programs. In some cases this may result in a loss of eligibility for some children who were formerly served by Title I.

But in other cases the desegregation plan may leave the district with no wide variation in the concentration of poverty among the new attendance areas, with the result that all attendance areas would be eligible for Title I services.

In still other cases the desegregation plan may result in a 30 percent or more concentration of poverty in many or all attendance areas, thereby making these areas eligible for Title I services. If there are no changes in attendance area boundaries, all attendance areas eligible in the preceding year remain eligible for two more years.

It has been reported previously by NIE that Title I services are provided primarily in the basic skills area. These services are provided on an individualized basis and tailored to the specific needs of the participants.

Three-quarters of the Title I children receive special reading instruction outside their regular classroom, and two-thirds of the participants in language arts and mathematics receive special help in a similar setting. The remainder of the participants are served in the regular classroom.

Prior to the enactment of Title I, there were only three State funded compensatory education programs similar to Title I in existence. These were relatively small and were experimental/pilot in nature.

In fiscal year 1976 16 States operated compensatory education programs, many of which are similar and/or supplemental to Title I. Three of these approach the magnitude of Title I funding for those States.

Five States—North Carolina, Oregon, West Virginia, Virginia, and Tennessee—report that Title I kindergarten programs determined to be successful provided the impetus in getting their State mandated and funded kindergarten programs started.

Because of the comparability requirements of Title I, millions of deprived youngsters have received an increase in education resources from State and local funds.

The use of teacher aides in classrooms was rare prior to the enactment of Title I. Today there are nearly as many teacher aides paid from state and local funds as from Title I funds.

The requirement to evaluate local project effectiveness has been part of the Title I legislation since its inception.

Since the national goal of the program and the local objectives are to assist districts to improve the performance of children with special educational needs, it is noteworthy that, as reported to this committee in July by the Assistant Commissioner, Office of Planning, Budgeting and Evaluation, USOE, there is fairly widespread evidence of improvements in basic skills which can be attributed to Title I.

In addition to results of national studies which reflect this positive program impact, we have made a concerted effort to identify successful local projects in the basic skills and to disseminate them nationally for adoption/adaption by other districts.

Of 34 local Title I projects meeting the rigorous criteria of the OE/NIE Dissemination Review Panel, eleven have been specifically packaged for national dissemination and to facilitate adoption by local districts.

A national diffusion network, NDN, has been established as an effective system for installing exemplary projects across the country.

A cooperative educational partnership involving USOE and 57 State departments of education, the NDN goal for the coming year is to secure 300 Title I exemplary project adoptions by districts who wish to improve program services to children in need.

In conclusion, I would like to reiterate my conviction that Title I is helping districts to address the special educational needs of children in low income areas. We are beginning to be able to document the program's positive impact both locally and nationally.

It is a program which focuses resources on educational services to children in greatest need while permitting each school district maximum flexibility in designing and providing needed services.

But most of all, Title I is helping millions of children, and through the continued support of this Congress, the Administration, State and local personnel, and parents, Title I will help raise the achievement levels of millions of Ameican children in the years to come.

Thank you. My colleagues and I will serve as a panel to answer any questions you might have.

Mr. KILDEE. Thank you very much, Dr. Fairley, for your testimony. We will proceed with questions. I presume the other people are acting as resource people for our questions, rather than having direct testimony.

Dr. FAIRLEY. Yes.

Mr. KILDEE. All right. On that, then, we will proceed.

Dr. Fairley, one of the most persistent complaints made to this committee regarding the Title I programs is that these funds cannot follow the child when school districts come under court order to integrate their schools.

Could you give us the present position of the Office of Education on the "follow the child" issue, and could you tell us whether you believe we could modify the statute in some way as to give the districts more flexibility on this?

Dr. FAIRLEY. Mr. Chairman, our present policy on this issue is that when a school district has to establish new attendance areas, as is often necessary in a desegregation plan, that school system must rerank its attendance areas.

Sometimes when this reranking is done, some schools that were previously eligible for Title I services are no longer eligible. But very often, students attend schools that remain eligible or that become eligible, and they are continued to be served under Title I.

We think that that is a pretty sound policy. We think that the Emergency School Assistance Program should be the resource to serve these kids once they enter a school that is no longer eligible for Title I services.

Mr. KILDEE. Very often maybe one of the reasons that certain school districts, among other reasons, of course, resist perhaps some integration programs, is because of the possibility of the loss of the Title I dollars, which many school districts feel have been very effective.

Have you experienced any of that?

Dr. **Fairley**. We hope this doesn't. We hope our policies are such that they promote the desegregation effort; and no school district, of course, ever loses its Title I dollars.

We also have a policy that if a kid lives in an eligible attendance area, but attends a desegregated school out of that area, and if that kid is educationally deprived, those services may follow him.

This was done to promote the desegregation effort.

Mr. **Kildee**. All right.

Mr. Quie, do you have any questions?

Mr. **Quie**. Yes.

Could you elaborate a little bit more on how the services follow the child? I can see if there are a number of children perhaps the services could follow all the children. But if there is one child that moves from a Title I school to a desegregated school that doesn't have Title I services, how do the services follow the child then?

Dr. **Fairley**. Our regulations would permit this, or our policies would permit this. It is very difficult, however, to design a compensatory education program for one youngster at a school, but this is up to the local district to do if it wants to.

Where there are adequate numbers, I am sure that many school systems would want to develop a program there.

Mr. **Quie**. Are the adequate numbers requirement that exist now in the law—that—it has to be a certain size and scope before the school can have a program—does that requirement apply then to that desegregated school outside of the Title I area?

Dr. **Fairley**. Yes, it would.

Mr. **Quie**. Okay. So, then, while theoretically the services could move, in actual fact it is very difficult for the services to move with the child.

Dr. **Fairley**. Not if an adequate number of children would be involved in the move. Sometimes it is just not cost effective to develop a program for a very small number of youngsters.

Mr. **Quie**. How many would that be normally, would you say, the adequate number?

Dr. **Fairley**. Beg pardon?

Mr. **Quie**. How many would the adequate number be?

Dr. **Fairley**. I would say that a program could be developed for around ten youngsters, and still be cost effective.

Mr. **Quie**. How many?

Dr. **Fairley**. Ten.

Mr. **Quie**. So that means you would have one person working with them. Now, those ten that would not be full-time for that person. That person would have to be spending part of the day there on a pull-out arrangement perhaps. Is that what you are talking about?

Dr. **Fairley**. Yes, sir. That could be done.

Mr. **Quie**. In the NIE study it indicated that 5 percent of the nonpublic school children are receiving Title I services and 20 percent of the public school children.

What is OE going to do to insure that the services are being equitably provided for students in nonpublic schools?

Dr. **Fairley**. Mr. Quie, we, as you know, conduct a program review in each State at least once a year. We visit a sample of school districts. The one thing that we look for is to see if equitable comparable services are being provided to nonpublic school kids.

I think this is an area that we need to work on in OE, and work with State departments of education and local school systems.

I would point out to you there are some reasons why there is not more participation. We find in our program reviews that often the private schools don't want the services. We find that there are problems of distance involved.

We find that some nonpublic schools have very high standards for their students and don't have a large number of educationally deprived kids.

I think this is an area that we need to do a better job on, but these are some of the reasons why there is not more nonpublic school participation.

Mr. QUIE. Do you find all the states in the review, then, are providing for the equitable distribution of the money?

Dr. FAIRLEY. All States are providing some kinds of services to nonpublic school kids, but this would vary from State to State.

Mr. QUIE. I think the law requires it be equitably distributed.

Dr. FAIRLEY. That is right. We do have some problems that we are aware of in at least three States, as I mentioned in my opening statement. Those would be the States of Virginia, Missouri and Wisconsin.

In Missouri we have already invoked the bypass to some four local school systems. The commissioner has notified five local school systems in Virginia that he probably will do this. We have staff now writing reports on, I would say, some 25 LEAs in those three States.

So, where we find this is a problem, we do try to invoke the bypass.

Mr. QUIE. Are there no problems in the other states, or just not sufficient——

Dr. FAIRLEY. I would say there are problems, but not sufficient to justify our invoking the bypass at this particular time.

Mr. QUIE. On another subject, how do you account for the fact that the study indicated that over half of the Title I students are not low achieving and nearly two-thirds of the students are not low income in Title I programs?

Dr. FAIRLEY. I would like to ask George Mayeske to talk to that.

Dr. MAYESKE. I think for those of us who pondered over these tables—and some of you gentlemen may not have seen them—one also wishes that the numbers were somehow the other way, one way or another way.

What these figures reflect, I feel, is really a dual process, one in which funds are allocated to counties, to school districts, and schools within counties on the basis of economic criteria, and then within those recipient schools, services are provided on the basis of educational need.

So, you are naturally going to get a blurring, a kind of not targeting strictly on poverty children, not targeting strictly on low achieving students, because there is this dual process manifesting itself.

Mr. QUIE. In other words, you say there is something wrong with the formula, distributing the money?

Dr. **Mayeske**. I think there is room for improvement in targeting. I don't think there is necessarily anything wrong with the formula in terms of its doing what Congress intended it to do, I believe.

Now, there are some perturbing factors. One I think is the outdatedness of the information that is used to make allocations. Some other factors that are peculiar to this study is that we approach the schools with a yardstick that is of our own making.

We don't tell the schools to use a standardized achievement test in selecting students for participation in the program. We say use your own good judgment, and that judgment may be comprised of test scores, of teacher judgment, what they know about the child from working with him and what not.

Then we try to understand that process for the stnadardized achievement test. There is not a perfect correlation between the achievement test results and the children who are served.

Well, there cannot be because we don't tell the schools to use any particular standardized achievement test to make those judgments.

There are also some problems with the metric that we have used in reporting the results. The grade level equivalent metric has certain problems that can distort things, particularly at the lower elementary levels.

Now, we have tried to do some analyses that do not depend on the grade level metric, that just look at the national percentile achievement distribution. The results don't differ that much in terms of the absolute numbers of students served.

For example, if I can rely on my memory for a moment, if we agree that children in the lower third of the national percentile distribution can be regarded as low achieving students, then we find that about two-thirds of the poor children will be included in that category, and slightly less than one-third of the nonpoor children.

So, proportionately there is much greater representation of poor students than nonpoor students. However, again, in absolute numbers, there are still more nonpoor low achievers than there are poor low achievers, just by virtue of the sheer numbers.

Mr. **Quie**. Two-thirds of the low achievers are nonpoor?

Dr. **Mayeske**. I would have to look that up.

Mr. **Quie**. 33 percent of the low achievers are poor, and 67 percent are nonpoor.

Dr. **Mayeske**. Yes, using that definition that was in the law.

Mr. **Quie**. You are talking about using the one-third.

Dr. **Mayeske**. We try to use a different definition; namely, the lower one-third of the achievement distribution.

Mr. **Quie**. Where would the lower third be, as far as low grade level?

Dr. **Mayeske**. That is what we are trying to get away from. You see, what happens with grade level equivalence is that at the first grade no children can be behind grade level because they just started school. So, if we provide services at the first grade, then we are serving non low achieving students.

At the second grade, about 5 or 10 percent of the students are below grade level. So, if we are providing services at the second grade, many of the students we are providing services to will be non low achieving students using that definition.

At the sixth grade there is about 37 percent of the students who are one or more years below grade level, but this peculiarity of the grade level equivalent tends to distort things.

That is a perturbing factor in those tables that rely on grade level equivalents. But, we have done other kinds of analyses that don't rely on that definition.

Mr. **QUIE**. What percentage of Title I students are in the lower one-third, and what percentage of Title I students are in the upper two-thirds?

Dr. **MAYESKE**. Again, I would have to look that up.

Mr. **QUIE**. We have the Decima study using the one year below grade level measurement between grades two and six. It would be interesting to see what it would be when you use the one-third.

Dr. **MAYESKE**. I see. You want to use what percent—I don't have that information at my fingertips, but I can get it.

Mr. **QUIE**. Okay. If you could provide that.

[The information follows:]

10/20/77

PROJECTED TOTAL POPULATION FREQUENCY OF COMPENSATORY EDUCATION (CE)SELECTION BY EDUCATIONAL STATUS

(Numbers in Thousands)

UNPUBLISHED DATA
Source: Participation
Decima Research
Santa Ana, CA 92701
Arlington, VA 22207

Educational Status	CE Selection Status Title I/ Title I & Other CE	Other CE Only	No CE at CE School	No CE at Non-CE School	Total Counts
Bottom Third	1961	941	2916	764	6582
Top Two-Thirds	980	1060	9307	2077	13424
Total Counts	2941	2001	12223	2841	20006

Mr. Quie. The law provides that we distribute the money based on low income, where you would have the assumption then you wanted programs for children with low income. But when it gets to the school, it is for low achievers.

One would expect that they would either be low income or low achievers. So when, as I indicated, over a half of the Title I students are not low achieving, and two-thirds are not low income, then add another one, only about a third of the low achieving students are receiving Title I help, we are not responding to the need at all.

Dr. Mayeske. You can carry that one step further.

In this study we had to survey over 5,000 elementary schools, and we found that 67 percent of the elementary schools in the United States receive Title I funds. Another 15 percent receive compensatory funds from sources other than Title I.

So, 82 percent of all elementary schools in the United States have some form of compensatory activity going. When you look at these schools, you will find that you can still find many, many educationally needy children, children who you could judge as needing special assistance but are not getting it because there just are not enough funds to provide such services.

Mr. Quie. If those who don't need it as much are receiving it, and those who need it more drastically are not receiving it, then you wonder whether the program is being targeted properly.

Dr. Mayeske. That is targeting at the school district and school building level. We have examined targeting of services on students within schools, and it is remarkably good.

They do serve their lowest achieving students to a remarkable extent. However, in some schools their lowest achieving students would not be judged low achieving in a different school. They are just not as bad off as some other children there.

Mr. Quie. It is also interesting among the poor that 16.1 percent of them are in the 90 and above percentile. So, the assumption that all poor are educationally disadvantaged does not hold.

This is just a subject that we will be talking about a lot in the future.

Thank you.

Dr. Rodriguez. Excuse me, Mr. Quie. I would like to emphasize that the statutes mandating the evaluation did require a definition for educatonal disadvantage that is not universally used among school districts in the nation.

That definition is: children who function one year or more below grade level, and that is not a typical definition for eligibility for participation in Title I programs among school districts in the nation.

Mr. Quie. I think California is using two years below grade level.

Dr. Rodriguez. Well, California in their compensatory education program says anyone functioning below the second quartile, the 50th percentile, may participate.

Mr. Quie. In their own state program?

Dr. Rodriguez. Yes. Well, for the distribution of funds within their districts California uses a different level.

Mr. Quie. Distribution of their own funds within the schools.

Dr. Rodriguez. With regard to the distribution of this money for SB-90, their State compensatory education money, they used the

25th percentile in ranking their schools within the district, numbers of children falling at or below the 25th percentile. But for participation in the program, it is children who are functioning below the or 50th percentile.

Mr. **Quie**. Do you have any information on the number of children above or below the 50th percentile? I asked you about the information on those who are, you said, in the lower third as over against the ones in the upper two-thirds.

Have you got the breakdown of those who are above and below the 50th percentile?

Dr. **Mayeske**. I believe that information is available.

Mr. **Quie**. Okay. That would be good to have.

[The information follows:]

Projected Numbers of Students by Compensatory Education (CE) Selection Status by Educational Status

(Numbers in Thousands)

Educational Status	CE Selection Status				
	Title I/Title I and Other	Other CE Only	No CE at CE School	No CE at Non-CE School	Total Row
Lower Half	2,500	1,260	4,902	1,160	9,822
Upper Half	441	740	7,342	1,661	10,184
Total Column	2,941	2,000	12,244	2,821	20,006

Unpublished Data

Source: Participation Study
Decima Research
Santa Ana, CA 92701
Arlington, VA 22207

Mr. **Quie**. Let me ask you, how many districts are having trouble maintaining effort as we require in order to qualify for Title I?

Dr. **Fairley**. Let me ask Genevieve Dane to respond to that.

Mr. **Kildee**. If I could interrupt, there is a quorum call going on in the House. We will be right back.

[Brief recess.]

Mr. **Kildee**. Mr. Quie had asked a question. You were in the process of responding.

Mrs. Dane?

Mrs. **Dane**. Yes. On the maintenance of effort problem, it has not appeared to be extensive under Title I yet. We have received to date about ten requests for waivers due to the rejection for a second time of a tax levy, and in some school districts where perhaps they had one teacher who was paid at the top of the salary rate required, and the incoming teacher is paid at a lower rate, and hence they reduce their effort to the extent of their expenses.

We expect about or we are aware that we will receive about ten more from a particular State, and this will be the case of the rejection of the tax levy.

This situation may become more sensitive a year from now because Title I maintenance of effort is based on the expenditures of the prior year compared with the expenditures of the second preceding year.

Mr. **Quie**. Have you granted any of those waivers?

Mrs. **Dane**. Yes, we have granted one to Guam.

Mr. **Quie**. That is the only one?

Mrs. **Dane**. We have recommended the granting of waivers in about four more situations. The commissioner has not yet signed the waiver.

Mr. **Quie**. OK.

About two weeks ago parents were in here who claimed that the LEAs were not following the law in respect to parent participation. What do you have on that? Is that true or isn't it?

Dr. **Fairley**. Mr. Quie, I feel that in the area of parent participation, we have come a long way in getting the involvement of more parents with the education of their children.

We estimate that now there are some half million parents that make up parent councils around the country. We still hear some complaints, as well as you do.

I think that we need to do a better job working with States and local systems in getting parents better trained. We do work with parent groups. We give them a lot of technical assistance.

For the group that was in here two weeks ago, I guess we had some participation at their meeting of some ten OE staff members. There are complaints, but we have seen a lot of progress in this area.

Mr. **Quie**. How do you handle it if there is a complaint? What is your process?

Dr. **Fairley**. Our process is we get a complaint from a parent or other person. We then ask the state to investigate that complaint, and submit to us a report within 30 days, I think it is. We then look at their report to see if they have done a good job in investigating the complaint.

If there are problems, we get back to them. If they don't do a good job, it might be we have to go on the scene ourselves.

Mr. **Quie**. When you go out on the scene yourselves, have you been able to get a resolution of the problem that exists?

Dr. **Fairley**. Just with parent involvement?

Mr. **Quie**. Yes.

Dr. **Fairley**. Yes, I think we have resolved a number of parent involvement problems without going, by getting the state to resolve the problem.

Mr. **Quie**. Have you ever gotten to the point where you could not resolve a problem?

Dr. **Fairley**. I guess in California we have a complaint from a parent there concerning membership on the parent council. As I understand it, that is in court now, and that is something that we are taking a look at. But that is about the only situation that I know of where we have not gotten——

Mr. **Quie**. In California they raised the problem of the parents selecting a teacher who didn't reside there.

Dr. **Fairley**. That is right.

Mr. **Quie**. Is that one that is in court?

Dr. **Fairley**. I am not sure whether that part of it is in court. But California has put additional restrictions on the membership of councils which are not in the regulations or the law. We think that is not correct.

Mr. **Quie**. You mean California's restriction on a teacher selected by the parents living outside the district is their own decision?

Dr. **Fairley**. One of the districts in California said that a husband and wife could not be on the parent council. They have complained to us about that.

Mr. **Quie**. But whose ruling is it that the teacher had to live within the district in order to be selected by the parent committee?

Dr. **Fairley**. I guess that is what the regulations say.

Mr. **Quie**. That is the OE regulations?

Dr. **Fairley**. That is correct.

Mr. **Quie**. And is that going to continue to be the case?

Dr. **Fairley**. That is something we are studying. The commissioner is quite interested in that. We are taking a look at that. Maybe it is better not to regulate that, so that a teacher could be a member of the parent council.

Mr. **Quie**. The other question that has come up, pertains to the large number of students that receive their LEA Title I instruction by pull-out over and against those who are helped right in the regular program.

I guess it is about three-quarters of all the Title I children actually are assisted by a pull-out. It is my understanding that OE doesn't require that, but the LEAs seem to interpret the regulations as though it does force them to pull-out.

How have you addressed that problem that seems to have come to us?

Dr. **Fairley**. That is not a requirement. It is up to the LEA to provide the Title I services anyway that it wants to. We are somewhat concerned about this problem, and we have been looking around the country to find school systems that have good programs where the kids are mainstreamed.

As a matter of fact, we have identified some 39 exemplary projects. We took a look at 29, and found in some 26 cases of the 29 they pull the youngsters out. So, we are trying to look around the country and find models.

But, it just so happens——

Mr. QUIE. Most of the good programs provide for a pull-out?

Dr. FAIRLEY. That is correct.

Mr. QUIE. When do you think you will have model programs available?

Dr. FAIRLEY. I would hope by July 1 of next year. We want to look around and see if we can't come up with some good mainstream programs.

Mr. QUIE. Have you done some studies, evaluation studies, on the increase in achievement in a pull-out system versus one where they are mainstreamed all the time, just to get a judgment—not to have a model, but to get a judgment of which one does the best job?

Dr. FAIRLEY. I would have to report the NIE study which showed that in first grade kids do better in mainstream programs. In the third grade, they seem to do a little better in math at least in pull-out programs. So, that study has been done. We have done no further research in that area.

Mr. QUIE. So when you pick those model programs, it wasn't as a result of that kind of study?

Dr. FAIRLEY. No. We will go out and try to find exemplary programs where mainstreaming is——

Mr. QUIE. What was your criteria for an exemplary program, where 26 out of the 29 had pull-out programs?

Dr. FAIRLEY. In the Department there is a joint dissemination review panel. This panel is made up of educators from both NIE and the Office of Education.

We then ask State departments of education to nominate school systems in their particular states that have programs which might be exemplary. We then take evaluation data and other material before this panel, and they approve it as an exemplary project. So, that is how the process works.

Mr. QUIE. Did the whole subject of whether it is wise to pull out or not come up?

Dr. FAIRLEY. That panel does not look at that. It looks at the value of the program.

Mr. QUIE. Do you think that would be wise, if they would also look at that?

Dr. FAIRLEY. I don't know that that is the purpose of that panel. I think that we need to find more good programs where mainstraming is used. There is no question about that.

Mr. QUIE. It seems odd it is not the purpose of the panel, from my point of view, because in looking for model programs I would think they would look at the ones that were the most successful, to help the children achieve the most.

The NIE study indicated at least in the first graders that it occurred in mainstreaming the students. Somehow or other doesn't that panel have to be aware of that? What are their goals? What is a good program to decide whether there should be a model or not?

Dr. **Fairley**. Their goal was to look at and analyze the project, to see if it is a good one, and if it can be replicated in other school districts. In terms of the approach used they don't get into that. The NIE study is a very recent study, and certainly we want to find more programs that use the mainstreaming approach.

Mr. **Quie**. Let me ask this. It has been suggested we put in language to encourage the individualized programs, because of the kind of success they brought about, and secondly, to prevent the use of the money for teacher training.

Dr. **Fairley**. With the individual education plan, we have tried to encourage States to look at ways to do this. It is in our regulations. Here again, we are looking to find examples of how this is done around the country.

I recently saw a system that is used in Oakland, California, where each kid has a contract, it is a contract between the student, the parent and the teacher, trying to get at this, trying to get programs visualized for the students there.

I would think that that is another area in terms of our own exemplary projects that we need to look at. As we look at the 29 projects that I mentioned, all 29 use some diagnostic prescriptive approach, that sort of gets at a plan for each child in the school system.

But again I think we need to find out more in terms of what is going on in the school districts where these are used.

Mr. **Quie**. I can understand Ruth Holloway would implement a good program like that. What about the teacher training? Do you have any idea how much money might be involved in teacher training? Has that added language shifted any money into teacher training that otherwise wouldn't have occurred?

Dr. **Fairley**. I just have no feel for how much money might be involved in teacher training at this particular time. Does anybody?

Mr. **Miller**. I don't have any information on that.

Mr. **Quie**. I keep hearing about the importance of teachers being able to receive that additional training in order to meet their needs. One of the reasons for the Teacher Centers approved in the last Congress was to enable teachers to upgrade themselves. The expectation was you probably wouldn't receive it as well from the teacher training institution as you would from the teachers within the system being able to upgrade themselves.

I would assume that would be of substantial importance in Title I. Is there any way in OE to get a handle on that?

Dr. **Fairley**. We sort of have a hard time in OE collecting data, to tell you the honest truth. We just don't get the kind of data that I personally feel we need to know about in many of the programs we have administered. In terms of teacher training, let me say that is a priority of Commissioner Boyer, and I think the Office of Education will be more into this area in the very near future.

Mr. **Quie**. I am also concerned about the collection of data. We have to go ask each State. It seems to me NCES at least ought to be able to pull together that information. We then would have available information to be able to compare States and see what is happening.

You have this information. One thing that struck me is now there are a number of school districts that continue to designate Title I target schools because there isn't enough variance between the number at poverty in each school district, and also the regulations provide that if there are 30 percent or more poor children within that school attendance area, then that school can be designated a Title I target school, even though it is less than the district-wide average.

Do you have information on the numbers of school districts where this occurs? Can you provide that to us?

Dr. **Fairley**. No, sir, for the same reason. We just haven't been getting this kind of data. Maybe somebody with me has a feel for it. We just don't know.

Mr. **Quie**. How long would it take you to get that information because it's bound to be available out in the States? I would request that you pull that together for us, because we need to look at that if we are going to determine how it is going to operate in intrastate distribution and intra-district distribution.

Mr. **Kildee**. If you could provide that for the committee, we request that.

[The information follows:]

TITLE I, ESEA

STATE	No. of Participating School Districts	No. of School Districts Selecting Target Areas	No. of School Districts Not Selecting Target Areas		
			Single Attendance Areas	No Wide Variance or 30% Rule	TOTAL
ALABAMA	126	121	5	0	5
ALASKA	47	16	19	12	31
ARIZONA	288	191	69	28	97
ARKANSAS	385	16	325	44	369
CALIFORNIA	928	495	430	3	433
COLORADO	176	69	105	2	107
CONNECTICUT	141	78	63	0	63
DELAWARE	26	26	0	0	0
FLORIDA	67	66	1	0	1
GEORGIA	187	47	140	0	140
HAWAII	1	1	0	0	0
IDAHO	103	27	73	3	76
ILLINOIS	880	189	589	102	691
INDIANA	305	294	9	2	11
IOWA	288	133	150	5	155
KANSAS	328	202	125	1	126
KENTUCKY	181	61	32	88	120

TITLE I, ESEA

STATE	No. of Participating School Districts	No. of School Districts Selecting Target Areas	No. of School Districts Not Selecting Target Areas		
			Single Attendance Areas	No Wide Variance or 30% Rule	TOTAL
LOUISIANA	66	43	0	23	23
MAINE	233	6	227	0	227
MARYLAND	24	23	0	1	1
MASSACHUSETTS	351	280	65	6	71
MICHIGAN	546	120	226	200	426
MINNESOTA	434	57	250	127	377
MISSISSIPPI	152	151	1	0	1
MISSOURI	400	197	200	3	203
MONTANA	250	34	215	1	216
NEBRASKA	280	50	200	30	230
NEVADA	17	16	0	1	1
NEW HAMPSHIRE	165	13	152	0	152
NEW JERSEY	465	155	310		310
NEW MEXICO	86	21	10	55	65
NEW YORK	737	449	288	0	288
NORTH CAROLINA	145	123	10	12	22
NORTH DAKOTA	270	27	241	2	243
OHIO	596	144	393	59	452

TITLE I, ESEA

STATE	No. of Participating School Districts	No. of School Districts Selecting Target Areas	No. of School Districts Not Selecting Target Areas Single Attendance Areas	No Wide Variance or 30% Rule	TOTAL
OKLAHOMA	599	22	500	77	577
OREGON	290	60	215	15	230
PENNSYLVANIA	505	311	70	124	194
RHODE ISLAND	40	30	7	3	10
SOUTH CAROLINA	92	37	0	55	55
SOUTH DAKOTA	186	10	175	1	176
TENNESSEE	148	92	12	44	56
TEXAS	1009	114	800	95	895
UTAH	40	27	10	3	13
VERMONT	246	7	235	4	239
VIRGINIA	140	138	2	0	2
WASHINGTON	264	151	61	52	113
WEST VIRGINIA	55	52	0	3	3
WISCONSIN	390	72	181	137	318
WYOMING	42	27	13	2	15
DISTRICT OF COLUMBIA	1	1	0	0	0
TOTAL	13721	5092	6894	1423	8625

Mr. **Quie.** The other thing I would like to know is on the whole question of comparability. California moved into its own State compensatory education program, and I understand that they have substantial difficulty pulling that in with the Title I program. Michigan came into it quite early with their Chapter 3 program. What they did was use the money in the school attendance area and in the school district that didn't qualify for Title I, or get enough money in Title I to do the job. Where the school districts or the school attendance areas did receive substantial Title I money, they didn't use the State money for that.

I understand California has to make its determination based on comparability of compensatory education. So I was wondering if you have any read-out on the 16 States, I believe, that have substantial compensatory education programs, and what needs to be done in both the comparability and in supplying language in order to make those programs blend in.

We are in a different situation now than in 1965 or subsequent years or even 1974.

Dr. **Fairley.** That is correct. I don't think that the State of California is having serious problems with comparability. I know that they have problems with the supplement rather than supplant requirement. That is, recently they were taken to court, and I think the court found that California, in fact, was supplanting with Title I money. I don't know that they have an extensive comparability problem.

The NIE study pointed out that most State compensatory education programs are compatible with Title I, and that they don't see any big need for us to change requirements. We are looking at the whole supplement versus supplant problem, not only in California, but it has been a problem in the Department, as you well know, from another one of the NIE studies. So, right this week we are having a number of meetings with outsiders to get their feelings on how we must deal with the problem of supplanting.

Mr. **Quie.** From what I have read, it seems to me that California is the one that has problems with it. Also, in the NIE study they did recommend that there should be a change in the law. The Lawyers Committee indicated that. I really want to get OE's input on how you feel that we need to change the law. I don't know how you feel about encouraging States to enact supplementary compensatory education programs. Is there some way we should encourage that, because those 16 States would really help the students substantially?

The last question I have is in the 1978 appropriations there is no money for the Part B. What does that do to State allocations of money?

Dr. **Fairley.** Let me ask Mrs. Dane to react to that.

Mrs. **Dane.** I don't have the precise number of States in front of me that receive Part B grants. It may reduce the overall allocation to some States, Minnesota being one which could lose a considerable amount of money. The Part A money, would increase but might not replace dollar for dollar the amount that a very limited number of States would lose under Part B.

Mr. **Quie.** Would you provide us with the information who gains and who loses?

Mrs. **Dane**. Yes.
Mr. **Quie**. And how it operates.
Mrs. **Dane**. Yes, sir.
[The information follows:]

Part B Incentive Grants

The formula provides for an incentive grant to each State whose effort index exceeds the national effort index. Effort index means the per centum expressing the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in a State national effort index means the per centum expressing the ratio of such expenditures in all States to the total personal income in all States.

The formula puts States in competition with each other. As a result less than half the States qualify for incentive grants regardless of their efforts.

The statute prohibits a State from receiving more than 15% of the total grants for all States. The amount appropriated for fiscal years 1977 and 1978 was $24,769,000.

TITLE I
PART B SPECIAL INCENTIVE GRANTS

	1971	1972	1973	1974	1975	1976	1977	1978
TOTALS	6,304,637	7,280,737	18,014,274	17,855,113	14,000,000	16,538,000	24,769,000	24,769,000
Alaska	18,709	42,739	399,961	493,314	344,123	544,802	1,275,265	135,573
Arizona	216,602						679,071	511,304
California	133,997	116,611		160.932				
Colorado	109,941		15,8[illegible]5	44,160	77,851	349,057	199,453	149,679
Connecticut				313,295	52,170	203,349		207,668
Delaware		20,500	113,416	44,436	109,830	111,229	110,206	116,066
Florida	12,924							
Hawaii			8,013					
Idaho	63,747	15,356						
Indiana	15,170		84,596	125,796				
Iowa	435,002	665,366	1,433,738	724,284	35,758			
Kansas	13,378							
Louisiana	256,240		871,060	1,000,433	759,994	302,643	1,099,655	
Maine	84,765	165,950	393,395	447,714	239,965	297,528	354,898	609,784
Maryland	7,730	10,853		325,682	158,312	234,615	513,568	501,748
Massachusetts					221,634	237,667	1,011,071	3,372,989
Michigan	945,696 x	1,092,111x	2,702,352x	2,678,267x	2,100,000x	2,480,700x	3,715,350x	3,712,350
Minnesota	945,696x	1,092,111x	2,702,352x	2,346,017	1,756,548	2,143,412	3,071,080	3,635,574
Mississippi	141,626							
Montana	150,332	249,857	434,186	256,827	143,732	316,131	697,356	445,730
Nebraska	122,403							
New Jersey		44,974	749,737	1,277,454	1,103,357	1,694,957	1,746,628	2,873,318
New Mexico	380,506	327,240	692,353	299,317	698,871	498,425	2,400,093	25,922
New York	945,696x	1,092,111x	2,702,352x	2,678,267x	2,100,000x	2,480,700x	3,715,350x	3,715,350x
North Dakota	11[illegible],841	146,676						
Oregon	265,434	481,829	824,758	652,371	392,989	716,668	867,650	823,690
Pennsylvania				630,042	1,372,627	470,258	302,420	905,760
Rhode Island								42,758
South Dakota	107,563	163,602	271,315	101,179				
Utah	163,959	163,540	258,471	198,953	173,307	263,428	500,726	140,807
Vermont	58,099	111,020	276,662	366,412	370,341	530,505	530,046	585,593
Washington	138,665	502,187	1,182,242	946,568	433,544	701,420	543,865	192,946
West Virginia	60,538	69,084		65,907				
Wisconsin	310,421	585,239	1,699,000	1,513,569	1,155,445	1,544,432	1,155,812	1,917,912
Wyoming	85,957	120,051	198,[illegible]	163,917	199,602	236,074	279,437	143,479

x Maximum

Distribution of the Title I Allocations for Local Educational Agencies for School Year 1978-79

The attached table was prepared by ratably reducing the Fiscal Year 1979 estimated State authorizations to the estimated amount which will be available for local educational agencies out of the $2,735,000,000 appropriation.

Since all the formula data are not available, it is not possible to determine which States would have been eligible for Part B grants in 1979, had Part B been funded, or the amounts which would have been available. For the attached table, it had to be assumed that the same States that received Part B funds in Fiscal Year 1978 would have been eligible in Fiscal Year 1979 and that the State entitlements would have been the same. However, only fourteen States have consistently received Part B funds and their entitlements do not remain constant. For example, in Fiscal Year 1977 Alaska qualified for a Part B grant in the amount of $1,262,639 and in Fiscal Year 1978, its Part B entitlement was only $134,231. New Mexico received $2,376,330 in 1977 and $25,665 in 1978. A total of twenty-one other States have qualified for Part B funds for one or more years since Fiscal Year 1971. For example, Connecticut was not entitled to a Part B grant in Fiscal Year 1977 but received $205,612 in 1978. In 1977, Louisiana received $1,088,768 but did not qualify in 1978.

It is estimated that all States except Vermont will receive an increase in 1979 funding over the amount received in 1978. However, all the funds will be distributed to the school districts on the Part A formula basis, and it is possible that this could cause decreases in some of the districts that had been receiving Part B funds.

	1978 Title I Appropriation for Fiscal Year 1979			
	Est. LEA Entitlements distributed on Part A Formula	Est. LEA Entitlements assuming Part B had been funded	Increase or Decrease	
TOTALS	2,321,059,406	2,321,059,406		
ALABAMA	63,261,001	62,585,917	675,084	
* ALASKA	4,434,302	4,522,554	-88,252	
* ARIZONA	23,399,730	23,661,326	-261,596	
ARKANSAS	35,998,106	35,613,955	384,151	
CALIFORNIA	195,428,172	193,342,675	2,085,497	
* COLORADO	21,264,785	21,187,539	77,246	
* CONNECTICUT	20,675,513	20,662,544	12,969	
* DELAWARE	6,089,930	6,141,007	-51,077	
FLORIDA	80,054,365	79,200,071	854,294	
GEORGIA	68,339,762	67,610,480	729,282	
HAWAII	7,766,803	7,683,921	82,882	
IDAHO	5,624,037	5,564,020	60,017	
ILLINOIS	103,280,596	102,178,446	1,102,150	
INDIANA	31,384,344	31,049,429	334,915	
IOWA	22,098,597	21,862,774	235,823	
KANSAS	18,267,836	18,072,893	194,943	
KENTUCKY	48,697,648	48,177,975	519,673	
LOUISIANA	71,920,677	71,153,181	767,496	
* MAINE	8,988,219	9,502,086	-513,867	
* MARYLAND	41,544,687	41,603,095	-58,408	
* MASSACHUSETTS	45,408,197	48,296,616	-2,888,419	
* MICHIGAN	90,551,075	93,300,116	-2,749,041	
* MINNESOTA	33,645,477	36,922,006	-3,276,529	
MISSISSIPPI	60,372,300	59,728,041	644,259	
MISSOURI	42,575,323	42,120,983	454,340	
* MONTANA	7,305,648	7,673,416	-367,768	
NEBRASKA	13,027,852	12,888,826	139,026	
NEVADA	2,994,339	2,962,385	31,954	
NEW HAMPSHIRE	3,743,773	3,703,821	39,952	
* NEW JERSEY	63,999,822	66,190,171	-2,190,349	
* NEW MEXICO	19,627,877	19,444,341	183,536	
* NEW YORK	244,549,806	245,655,463	-1,105,657	
NORTH CAROLINA	73,218,090	72,436,749	781,341	
NORTH DAKOTA	6,596,909	6,526,511	70,398	
OHIO	71,876,371	71,109,348	767,023	
OKLAHOMA	28,588,318	28,283,240	305,078	
* OREGON	22,187,449	22,774,368	-586,919	
* PENNSYLVANIA	109,328,404	109,067,474	260,930	
* RHODE ISLAND	8,543,054	8,494,645	48,409	
SOUTH CAROLINA	48,011,863	47,499,508	512,355	
SOUTH DAKOTA	8,668,160	8,575,658	92,502	
TENNESSEE	57,146,560	56,536,725	609,835	
TEXAS	152,929,544	151,297,569	1,631,975	
* UTAH	7,690,106	7,748,849	-58,743	
* VERMONT	3,883,603	4,427,752	-544,149	
VIRGINIA	55,672,772	55,078,665	594,107	
* WASHINGTON	26,205,776	26,119,069	86,707	
WEST VIRGINIA	25,259,904	24,990,345	269,559	
* WISCONSIN	38,740,201	40,244,700	-1,504,499	
* WYOMING	3,317,363	3,425,441	-108,078	
DISTRICT OF COLUMBIA	13,922,453	13,773,881	148,572	
AMERICAN SAMOA				
GUAM				
PUERTO RICO	52,951,907	52,386,836	565,071	
TRUST TERRITORY				
VIRGIN ISLANDS				

* States that received Part B grants in 1978

Mr. **Quie**. Thank you, Mr. Chairman.

Mr. **Kildee**. Thank you, Mr. Quie.

Dr. Fairley, a persistent complaint which the committee has received regarding the Title I program is that once a participating child reaches grade level in reading, that that child is no longer eligible for the program, and the possibility exists that he or she may fall down below grade level after leaving the program. Could you tell us your views on this problem, and could you tell us what the requirements are from the Office of Education regarding this?

Dr. **Fairley**. Okay. I think this is a problem. The Title I tends to work with the kids that have the greatest needs, and often when we get these kids to performing better in schools, they are no longer eligible, once they get at grade level they are no longer eligible, and Title I goes down to help another kid. So this is the way it works. I would agree with you that once we get these kids at grade level it would be good if we had some resources to sustain them at grade level, but at the present time we do not, and that is the way the program would work.

Mr. **Kildee**. Could there be some provision where they could stay in for another two or three years after they have achieved that grade level in order to guarantee maintenance of grade level?

Dr. **Fairley**. I think there could be some provision to do that. But there are so many kids in need that what happens to the kid that is down at the bottom of the barrel again? So, that is the way it would work, and that would have to be a trade-off, I guess, in terms of kids.

Mr. **Kildee**. It is sometimes a question of getting people in the program. An analogy could be people getting on the front door of a bus, and others getting off the back door.

Michigan has been working on that problem for several years under Chapter 3, which we used to fuse with Title I. We tried to experiment with some penalties; we used achievement, and we have had problems. We have always forgiven districts lack of achievement each year. I was Chairman of the subcommittee, and each year some districts would come in asking for a forgiveness clause because they had not reached the level of achievement that more or less was contracted. We discussed, at least informally, the possibility of rather than penalizing for lack of achievement, to reward achievement for a school that did demonstrate they could raise children to a certain ability; however, we never have quite resolved that problem in Michigan, inasmuch as we generally each year pass something in the school aid bill forgiving the schools who did not achieve.

Dr. **Fairley**. I would think we could learn a lot about this from the National Follow-Through Program which targets resources on kids through grade 3, and then they go on often without these additional resources. I don't know of any data available now, but I would think that program should.

Dr. **Rodriquez**. Mr. Kildee, if I may comment on that notion about children moving in and out of the program. What typically occurs in providing services to Title I youngsters is a program specifically designed for them in a pull-out situation. What I observed going on educationally across the board is that when youngsters are given special services of any kind, that there is little effort to provide for the transition from that special service situation to the regular classroom situation, and that is a large leap. As you may know, when one is getting a tutorial kind of instruction and moving into a classroom situation, learning how to learn in a crowd requires a transition period. This may be a fault of program design rather than a question of eligibility to continue to participate.

Mr. **Kildee**. Any other comments from anyone else in the panel on that?

Dr. Fairley, the National Institute of Education found that less than 1 percent of high school students in elementary and secondary school districts were participating in Title I programs. Do you believe that the overwhelming emphasis of the program should remain in the elementary school with the elementary school students or should we shift some of the emphasis to include high school students?

Dr. **Fairley**. Let me say that it would appear to us that most local school systems want to spend resources on youngsters, I guess, at the youngest age possible. That is why we have so many Title I programs in grades K through 8. We, in the office, do see a definite need for targeting resources on youngsters in the high schools, but this would have to be a decision made by the local school system.

Mr. **Kildee**. I am only asking because I do think it's extremely important that we start students out with as good an education as possible early. For ten years, I taught high school, and from time to time would ask the principal to give me, although we didn't track legally or formally, a class of American history for those who were not doing quite as well as the regular learner who would be assigned U.S. History. I taught Latin for the most part, so I was rather isolated from the rest of the school. It was a large metropolitan school, and I would ask for an American history class, and it was amazing the number of good students who had been dribbled off into American history because they were "slow learners".

One student comes to mind who was doing very poorly, and he came into the class and was finally raised up to the other nonexistent track. Went on to college, and did very well after that.

You wanted to comment?

Dr. **Minter**. Yes, Mr. Kildee.

As a former school superintendent, I can tell you that we wrestled with that problem in the school system, and the problem is one of scarce resources, and where do you put the resources that you have. We would have very much desired to follow children right on through the twelfth grade. Many school systems have developed programs designed for high school pupils, and they are of a compensatory nature; but unfortunately, they are not widespread, and we just don't have enough money to support the children in the upper grades.

Mr. **Kildee**. Some extra dollars could help you expand the program?

Dr. **Minter**. They certainly could.

Mr. **Kildee**. We will talk to the Appropriations Committee about that.

Dr. Fairley, the National Institute of Education Study seems to find that local school districts use different means of choosing children to participate in Title I programs. Could you tell us what the guidelines from the Office of Education have been in making such choices?

Dr. **Fairley**. We would leave it up to the local school system to first perform a needs assessment, and then to select participants based on whatever criteria they want to use provided that they use it across the board. I guess this is done in a number of ways. The test data is used. That study also pointed out that 89 percent of the school districts use teacher judgment, teacher judgment would be used, grades in school, and all of these things would be looked at. Consultation with parents even, and then they could come up with the criteria that they want to use to select the students.

Mr. **Kildee**. So there are no real guidelines on the selection of individual students put out by the Office of Education.

Dr. **Fairley**. That is left up to the school, as long as those kids are not achieving at a level appropriate for their age.

Mr. **Kildee**. Do you think that the use of test scores might be a means of selecting those children, or do you think we should leave it up, as you say, in some instances, to the individual teacher judgment?

Dr. **Fairley**. I think a combination of factors should be used. Certainly test scores should play a part, but I don't think they should be used exclusively.

Mr. **Kildee**. Again, I know it's possible within the noble profession to which I belong that teachers might use other reasons rather than the learning ability of a child to have themselves relieved. Very often it could be possible that some discipline problems might be used in individual teacher judgment. Perhaps a combination of some testing along with individual teacher judgment might be a good criteria. But you, yourself, provide no guidelines on that particular choice of children?

Dr. **Fairley**. No, we don't. We just say use a combination of things or suggest a combination of things might be used.

Mr. **Kildee**. Does anyone else have any comment on that?

Dr. Fairley, as you well know, the Title I regulations require school districts to choose the so-called target schools in which to fund their Title I programs. I understand that these schools have to be chosen because appropriations are not sufficient to fund programs for all Title I children in all eligible schools. In the National Institute of Education report, however, it is asserted that the target school requirement is not really being followed since almost all Title I eligible schools receive some funds to operate programs.

Have you been aware of this fact, and could you give us your views on this finding?

Dr. Fairley, as you well know, the Title I regulations require

Mr. **Kildee**. The National Institute of Education says that the target school requirement isn't really being followed since all Title I eligible schools receive some funds to operate programs. This is page IX, where it says, "Targeting specific schools as a separate step appears to be practically non-existent. Over 80 percent of the districts report serving all eligible schools with the result that 94 percent of the eligible schools and 62 percent of all schools in Title I districts receive some Title I resources." Would you want to defer comment on that and get back to us on that?

Dr. FAIRLEY. Anybody want to comment on that?

I would like to get back to you on that one.

Mr. KILDEE. If you could do that it would be appreciated. You will be testifying before this committee next Tuesday, I believe, and at that time if you could respond to this question.

Dr. FAIRLEY. Yes.

Mr. KILDEE. Again, the National Institute study on student development seemed to have found that the intensity of instruction given to students is an extremely important factor in the effectiveness of a particular Title I program. Could you tell us whether the Office of Education has tried to encourage local school districts to intensify their instruction in any way?

Dr. FAIRLEY. Yes, we have. We say that. We have a study, for example, from your State, Michigan, and that study brought out the point that the amount of money and time spent on compensatory reading programs accounts for more than 30 percent of the variance in achievement. So we think it's important to concentrate in two respects, both with adequate funds spent on each participant, and then keeping the youngster in the program for a sufficient amount of time to do the job.

We find that with the programs that we have identified as exemplary, the average Title I student spends some four and one-half hours in the program. In terms of dollars spent per child, we find in these projects that some school districts spend as much as $660 per participant, and others spend only $100, and both are very, very effective projects, so in terms of dollars, I guess we can't give you any more guidance than that. I just depends on the nature of the project. But we do feel this intensity of treatment is very important in Title I programs.

Mr. KILDEE. Dr. Fairley, as you know, the Title I statute requires an annual needs assessment to be conducted of the program by each local school district. During the course of the testimony this year, it has been suggested that this annual needs assessment was not really necessary, because the needs of Title I children have not changed that much from year to year, and that this requirement was really a great deal of unnecessary paperwork.

Would you give us your views on whether we could change this requirement to say a two-year needs assessment or even a three-year needs assessment?

Dr. FAIRLEY. Paul, you want to answer that?

Mr. KILDEE. Mr. Miller?

Mr. MILLER. Yes. I think there needs to be some sort of a student selection process each year. For instance, if a school is serving students in the fourth, fifth and sixth grades, the sixth grade students move on to another building, and are no longer available for Title I services the following year. There needs to be some selection process to pick up the students who are replacing them.

In some instances we find exceptional results where students may jump from the 40th to the 60th percentile. That is relatively rare. However, when it does happen, they are no longer eligible for Title I services.

Mr. **Kildee**. One final question.

Again, according to the National Institute of Education studies, States and local school districts are increasingly using their Title I funds for basic skills, and the only school districts, according to the study, which seem to be resisting this trend, are the poor rural school districts which lack other educational resources.

Could you tell us what the Office of Education policy has been on the use of Title I funds for basic skills, and have you encouraged States to emphasize such funding?

Dr. **Fairley**. We think that the basic skills, as you know, are very important to youngsters, especially disadvantaged youngsters. But we find that States feel this way, too. As a matter of fact, I was looking at a survey done by the National Center for Education Statistics, and that study reports that some 29 States are now planning or operating performance based education, and by that we mean education standards that require students to demonstrate attainment of specific competency or learning objectives, so we feel most States are encouraging local school districts to spend more emphasis on the basic skills.

We do feel it is important.

Mr. **Kildee** Thank you.

I have exhausted my five minutes.

Mr. Heftel, do you have any questions or observations?

Mr. **Heftel**. I appreciate your testimony.

Mr. **Kildee**. Mr. Quie, do you have further questions?

Mr. **Quie**. No.

Mr. **Kildee**. I really express the thanks of the committee to you for your appearance and your testimony, and we will be seeing you next week again in our joint venture.

Thank you very much.

We will recess until 9:30 tomorrow morning.

[Whereupon, at 10:55 a.m. the subcommittee recessed, to reconvene Thursday, October 20, 1977, at 9:30 a.m.]

PART 16: SERVICES AND STUDENT DEVELOPMENT

THURSDAY, OCTOBER 20, 1977

House of Representatives,
Subcommittee on Elementary, Secondary,
and Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 2175, Rayburn House Office Building, Hon. Carl D. Perkins (chairman of the subcommittee) presiding.

Members present: Representatives Perkins, Ford, Mottl, Heftel, Kildee, Quie, Pressler, and Goodling.

Staff present: John F. Jennings, majority counsel; Christopher Cross, minority senior education consultant; and Nancy L. Kober, staff assistant.

Chairman **Perkins**. The committee will come to order. A quorum is present.

Today's hearing is a continuation of the hearings on Title I. Although we would appreciate knowing any of the views of the witnesses on Title I, we would like to focus today's testimony insofar as possible on the so-called "follow-the-child" issue.

Our panel this morning consists of Dr. John Porter, Superintendent of Public Instruction, State of Michigan; Mr. Brian G. Williams, Akron City School District, accompanied by Mr. D. Eugene Dominic, Deputy Superintendent of Schools, Akron City School District; Mr. Marion J. Cortez, Director of Title I, Lafayette, Louisiana; and Ms. Linda Brown, Director, Federal Education Project, Lawyers' Committee for Civil Rights Under Law.

STATEMENTS OF JOHN PORTER, SUPERINTENDENT OF PUBLIC INSTRUCTION, STATE OF MICHIGAN; BRIAN G. WILLIAMS, AKRON CITY SCHOOL DISTRICT, ACCOMPANIED BY D. EUGENE DOMINIC, DEPUTY SUPERINTENDENT OF SCHOOLS, AKRON CITY SCHOOL DISTRICT; MARION J. CORTEZ, DIRECTOR, TITLE I PROGRAM, LAFAYETTE, LOUISIANA; LINDA BROWN, DIRECTOR, FEDERAL EDUCATION PROJECT, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, ACCOMPANIED BY SUSAN PERRY, ATTORNEY, FEDERAL EDUCATION PROJECT

Chairman **Perkins**. We will start out with Dr. John Porter, Superintendent of Public Instruction, the State of Michigan, first.

Let me welcome all of you here this morning. We have several outstanding members of this committee from Michigan. I understand some of them will be here later. We have so many things to do.

To expedite things, we will get started with you, Dr. Porter. Let me state it is a pleasure for me to welcome the State Superintendent from the great State of Michigan before this committee. You go ahead. Without objection, your prepared statement will be inserted in the record.

STATEMENT OF JOHN PORTER

[The statement referred to follows:]

Dr. John W. Porter
Superintendent of Public Instruction
State of Michigan

Testimony on ESEA Title I

October 20, 1977

Chairman Perkins and Members of the Subcommittee:

As Superintendent of Public Instruction in Michigan, I am appreciative of your kind invitation to be here today. I welcome the opportunity to share with you some of my thoughts, from a Michigan point of view, relative to the reauthorization of the Elementary and Secondary Education Act and the other important programs contained in H. R. 15.

Before I move into the specific comments and recommendations I have regarding Title I, I would like to express my deepest appreciation, Mr. Chairman, for your leadership and dedication to education. As a result of your work and the work of your colleagues on this Committee, the federal commitment to education has greatly increased. Since 1967 Title I spending alone has doubled and other expenditures have risen significantly. This assistance from the Congress makes a direct impact on the lives of boys and girls in our schools in every corner of our country. You, Mr. Chairman, and this Committee, are to be commended for your foresight and leadership.

For purposes of this testimony I will confine my remarks to Title I which is the largest, and in some ways the most controversial, of the programs under consideration in H. R. 15.

Title I is now twelve years old. The program has come a long way since 1965. It's not difficult to remember that first year when USOE, State

Departments of Education, and local school districts tried to design and implement Title I programs based upon hunches, a few wild guesses, and in many cases, misconceptions about the children and youth to be served. During these first years there was little evaluation. When the demand for evaluation came it forced public school people to re-examine all the old assumptions about how children learn and how teachers teach, and it forced us to develop new and innovative instructional plans to help those children and youth who had heretofore not been well served.

Now, school superintendents frequently tell me how important Title I is to their total education program. This is not difficult to understand when you consider that since 1965 Michigan schools have received over 700 million dollars for Title I. There are today 560 Michigan school districts with programs involving 140,000 children and youth receiving over 80 million annually. It is significant to note that only three K-12 districts in our State do not have Title I programs; and most importantly, our Annual Education Report indicates that the average basic skills achievement gain for children in these Title I programs in both reading and mathematics is 1.3 months growth for each month in the program.

We have seen a dramatic change in education in general and Title I in particular since 1965. These changes have been on the constructive side. All of our Title I programs in Michigan now focus on the basic skills of reading and mathematics; we emphasize the use of instructional management; and we have instituted the use of performance objectives in all of our Title I efforts. Performance objectives, evaluation requirements, improved instructional strategies, and accountability have all played a part in the improvement of Title I as a program in Michigan. Today we can point with pride to many effective programs in operation in our State. I have visited three of our own nationally validated projects in Clarkston, Highland Park, and Van Dyke, as well as many other Title I projects throughout the State and can personally attest to the quality of the programs and the dedication of the staff and parents.

But let me hasten to add, all is not perfect, not even close!

--- We have too many individual school buildings that are performing poorly and are not changing.

--- We still have too many educationally disadvantaged children who cannot receive any special assistance because of target area restrictions;

--- We still have too many children in compensatory education programs who are pulled out of their regular classrooms and become isolated from the mainstream of school activities; and,

--- We still have too many professional and paraprofessional staff who are not properly trained to work with educationally disadvantaged children.

I sincerely hope that the current NIE studies, as well as our State research and evaluation efforts, will shed additional light on what needs to be accomplished to mitigate these problems. I also believe some changes in the current Title I law will help us reach our goal of providing effective services to all educationally disadvantaged children and youth.

Mr. Chairman, I have presented some general views on Title I and now would like to discuss some specific concerns and make specific recommendations. I particularly want to focus on the need to allow states more options in planning and implementing Title I programs. This is especially relevant if Title I funds are truly to be used for the most seriously educationally disadvantaged children, irrespective of race, ethnicity, or the income of the parents.

Distribution of Title I Funds Within Districts

Currently, a school district must distribute its Title I funds to schools with the highest concentration of low-income students. Often this results in the elimination of half or more of the schools in a district from Title I programs. Further, this procedure often eliminates secondary schools which are fed by several elementary buildings, some of which are not eligible to receive Title I. This leads to the exclusion of many students who need services, as well as eliminating those who need continuing services after they leave a Title I school. It is my first recommendation that either additional funds be allocated an earmarked for secondary schools or a set-aside be allowed at the State level for such purpose.

Moreover, in districts undergoing desegregation, target area requirements result in movement of students from target to non-target schools. Suffice it to say, Title I funds do not now follow the child. I will elaborate on this problem in a minute. My second recommendation, therefore, is that local school districts be allowed to establish Title I program priorities, based upon an assessed educational need and allocate funds to buildings having the greatest concentration of educationally disadvantaged students. This is a modification of my previous position on this issue.

The target area concept is valuable and meaningful only in that it provides a method of concentrating funds so that effective programs can be operated. Since the goal of Title I is to reduce the incidence and severity of educational disadvantagement, education considerations should be the prime concern in establishing priorities (buildings, grade levels, instructional areas, etc.) for service at the local level.

Title I and Desegregation

Title I has, in many respects, become a deterrent to desegregation. It was not intended, but it happened. Complaints have surfaced in practically every one of the Michigan school districts undergoing desegregation relative to the incompatibility between desegregation efforts and the allocation of Title I funds. The design of desegregation plans differs from district to district, but the fact remains that Title I funds do not necessarily "follow the child," and frequently don't.

Title I services are highly valued by the parents and teachers of participating children, and they strongly resist the prospect of losing the services. There exists no necessity to cling to inflexible target area regulations which operate in opposition to educational practices designed to promote quality and equitable education. In fact, such regulations have been shown to be an obstacle to quality education. Therefore, as my third recommendation I propose that there be legislative provisions which would exempt school districts under-going desegregation, voluntary or court ordered, from any target area regulations; that such districts be required to present a plan to the State Department of Education that will make explicit how educationally needy children will be served, irrespective of where the child may be moved for desegregation purposes.

Staff Development

In recent years I have become increasingly concerned about professional development of school staffs, especially the retraining of those staff who are working with children and youth who represent great diversity in educational, cultural, ethnic, and linguistic backgrounds.

I am assuming the rest of the nation is similar to Michigan, and in Michigan we must improve the retraining opportunities of compensatory education staff. During the past 25 years new teaching techniques and strategies have developed at a rapid rate. It is no longer possible to depend upon recent college graduates for the diffusion of new program and teaching strategies, since the annual replacement rate of teachers is extremely low.

The problem is further complicated by the concurrent development of new teacher roles and new organizational structures requiring different teaching behavior patterns. For example, Title I and various other federal programs, have supported the addition of classroom paraprofessionals or teacher aides, yet many programs have little or no training for the most effective use of the aides.

Michigan Department of Education records indicate that more provisional certificate holders complete the requirements for a continuing certificate approximately four to six years after graduation from college. Of the approximately 108,000 certificated persons employed in Michigan's public schools, 75 percent hold a permanent or continuing certificate and have completed all necessary state requirements beyond the bachelors degree. In addition, a high percentage of the professional public work force in Michigan is at, or very near, the top of the local school district salary schedule.

With declining student enrollments and provisions in most master contracts for layoffs to be made on a seniority basis, predictions indicate that the professional work force of the near future will tend to include more persons: (1) with extended experience, (2) at the maximum salary level, and (3) with higher levels of college or university preparation than ever before. Since professional preparation tends to be completed within the first six years of employment, this same trend will produce a work force whose most recent higher education experience will become more distant with each passing year.

Because the whole matter of staff development is so vital to effective compensatory education programs, I would recommend fourth that five percent of the State's ESEA Title I grant be set aside for the State Department of Education to provide staff development grants to local education agencies in an effort to provide necessary services to Title I teachers, administrators, and paraprofessionals. There is a need to have a critical mass of school staff to make such programs manageable.

Comparability

I would like to bring to this committee's attention a concern regarding comparability. Although comparability requirements are fairly technical refinements within the legislation, the current comparability demands place an unreasonable burden on school districts and in the end detract from providing services to children.

Title I requires that its funds be used to "supplement rather than supplant" local funds. Further, local districts are required to provide evidence that "comparable" financial instructional resources are being provided to Title I and non-Title I buildings.

It is our experience in the Michigan Department of Education that comparability requirements are too restrictive. Michigan Department of Education and local district staffs spend an inordinate amount of time collecting, reporting, and analyzing data. Also, because of these rigid requirements, there is little flexibility to experiment with special programs. Problems such as differences in training among staff members across schools within districts, differences between costs of program start up and program continuation, and limitations on the design of new programs indicate that although the concept of comparability is important, the implementation has proven to be counterproductive.

I would recommend fifth that the entire system of assessing comparability be redesigned. The system should be made workable, less time consuming, and more flexible.

Parent Involvement

The whole matter of parent involvement in education is another area of critical importance. Although it is true that current Title I legislation requires parental involvement, all too often that involvement in local districts is superficial. Present regulations are rather detailed as to the selection of parents on Title I Councils, but there is little detail on actual involvement. Because of differences between states, this is perhaps the way the regulations should be handled.

Michigan Title I parents and school district representatives are asking for more direction. They are requesting that rights and responsibilities of parents and school districts be spelled out more definitively.

After carefully considering this perplexing predicament, my sixth recommendation is that Congress amend the legislation to require states to develop guidelines that delineate the rights and responsibilities of parents and school districts in regard to involving parents in the planning, implementation, and evaluation of Title I programs. This type of direction in the legislation would provide an incentive for states to take a greater leadership role in the involvement of parents in Title I efforts.

The Allocation Process

Finally, I would like to comment on the Title I allocation process, and the need for future Title I legislation to allow States more options in planning and implementing Title I programs based on educational criteria.

As I have stated elsewhere in this testimony and as I have indicated in many public statements, I believe states should be allowed an option in how it would allocate Title I funds i.e. based upon objective measures of educational need in socio-economic. However, it is also important that federal and state compensatory education efforts be made compatible. As it is now, Title I poverty indicators and educational provisions in the state compensatory education program frequently make it difficult to properly coordinate federal and state efforts. Although I am certain it was not intended, the effects of current Title I legislation cause local districts to duplicate services, to restrict the most economical use of staff, and to provide a disincentive for states and local districts to expand their services.

In Michigan we have allocated our state compensatory education funds based upon test scores on the Michigan Educational Assessment 4th and 7th grade tests. This funding mechanism works and has been working since 1971. I have been, and continue to be, a strong advocate for the use of educational criteria in allocating funds. It is of critical importance, in my view, that financial inputs be related to educational outputs.

I am well aware that Michigan is one of only a few states that has the capability of using, at the state level, objective indicators of educational disadvantagement. What I would like to recommend seventh to this committee is that states be given the option to develop, in cooperation with local districts, a state plan that provides for the allocation of Title I funds to local districts based upon educational criteria.

As an eighth recommendation, I believe that states should be provided an incentive for coordinating their state and federal compensatory education efforts through the use of additional matching dollars for both grants and administration.

Finally, as a ninth recommendation, I propose that when the states have an approved state plan the Title I appropriation be increased to allow services to be provided for all eligible educationally disadvantaged children in the state.

Mr. Chairman, members of the committee, I am firmly convinced that should you act on these nine recommendations, Title I efforts will be much improved throughout the country and certainly in Michigan. The goal of assuring all educationally disadvantaged children an opportunity to perform on a par with their more advantaged peers is worthy and one to which we must fully commit ourselves.

Thank you again for this opportunity to appear before this distinguished committee.

Dr. **Porter**. Thank you very much, Chairman Perkins. It is indeed a pleasure for me to be here.

I would like to begin by saying that I am not here as president of the Chief State School Officers, which I am, but here only as the chief from the State of Michigan.

Before moving to my specific comments and recommendations, I would like to express on behalf of all the Chief State School Officers our sincere appreciation to you and members of the committee for these hearings, and for your support for public education in these United States.

My prepared testimony deals with the total range of reorganization of ESEA Title I. However, I realize that there are other days in which individuals will be speaking on various aspects of this important legislation.

I have made as part of my prepared text nine recommendations that deal with the broad range of Title I. Four of those recommendations I think are imperative and substantive. I would just like to identify the four and then spend the remainder of my time talking about the "follow-the-child" concept.

First, I think it is extremely important that the committee under your leadership consider the need for Title I setaside for professional development, and for staff improvement.

There are no requirements in Title I at this time that enable States to undertake comprehensive retraining of school staffs. Twelve years later I think this is an important concept, and one that should be considered.

Second, there is a heavy emphasis in Title I, as there should be, on elementary education. More and more we have to consider the needs of the secondary students. Less than 20 percent of the funds are now allocated there.

But, with the increasing number of State and mandated competency testing, I think we need to consider setasides or additional funds earmarked primarily for our secondary schools.

Third, I think it is extremely important that we consider the role of the parent. I think that the legislation has to deal with the PACs, and clear guidelines as to what the role and responsibilities of parents are in terms of Title I.

Finally, as the fourth item, "follow-the-child" concept. This is the first time I have appeared before the committee since 1974. At that time I talked about the need for Title I funds to be related to educational deprivation. I have modified my position slightly on that, and I would like to discuss the imperative, as I see it, for Title I funds to follow-the-student.

To me, there are three imperatives that we have today that we didn't have even in 1974.

First of all, we have declining enrollments.

Second, we have an increasing number of States that are mandating constancy testing for 12th graders, and for high school students.

Third, we have increasingly involuntary or voluntary desegregation.

I contend that the primary purpose of Title I is to allow school districts in cooperation with parents to see that our youngsters get a better education, equal education, and a quality education.

Title I at the present time requires students to be concentrated. I have modified my position by stating publicly that I support that concept, if indeed there are those who are fearful that such funds might be disbursed by States prior to getting into concentrated areas.

However, once the funds are at the local level, I think it is essential that the Title I legislation permit school districts to enter into cooperative agreements within or beyond school district boundaries, that would enable students who are economically deprived to get the additional resources that they need in either a desegregated setting or in some other type of setting, so that their educational attainment can be improved.

I think it is one of the really important imperatives we have.

In my State of Michigan at the present time we find it extremely difficult to encourage school districts to enter into cooperative arrangements, sharing educational resources, because of the fear that they will lose their Title I funds or they will have an audit exception.

Although there are some who would oppose the concept of the funds following the student, I think it is in the best interests of public education, because of the three reasons that I stated earlier—declining enrollment issue, the constancy testing issue, and the increasing court decisions on involuntary desegregation and the fact that in a number of States, suburban districts and urban districts have entered into cooperative arrangements for voluntary desegregation.

I would hope that Title I funds could be used to support these efforts, rather than be an impediment to these efforts.

I would be delighted to respond to any questions you may have on this latter point.

Chairman **Perkins**. You have made a very important statement.

There is one question I would like to ask you that does not pertain to your testimony.

Insofar as the distributions of the Title I funds is concerned, do you feel that funds are being distributed equitably at present or would you have some further suggestions as to how they may be distributed more equitably from your standpoint as the State school superintendent in the State of Michigan?

Dr. **Porter**. There are only five Chief State School Officers that have been in office longer than I have, and therefore I have become one of the older chiefs. The only issue that the Chief State School Officers ever disagreed on was how to distribute Title I funds. It is the only issue.

I am satisfied that the Title I funds, as far as Michigan is concerned, are distributed equitably from the Federal Government to the States. We had a big argument, as you well know, and we discussed this with you several years ago in terms of shifts between the funds in the south and in the north and whether New York would lose some funds.

But, at the Federal level down to the States, I have no complaint. Michigan has faired, I think, equitably well in terms of the distribution.

Furthermore, I really have no complaint, to answer the second part of your question, about the distribution of the funds within the State of Michigan.

I think that Detroit, Grand Rapids, Lansing and Flint, our major urban population centers that have sizeable numbers of economically deprived youngsters, are receiving their fair share of the Title I funds in relationship to the other 515 school districts that also receive Title I funds.

So, the answer to your question is I am not at all displeased with the current formula, either among states or within the State of Michigan.

Chairman PERKINS. Thank you very much. You are an excellent witness.

I want to go on to the other witnesses.

Mr. Brian G. Williams, from the Akron City School District and Mr. D. Eugene Dominic, Deputy Superintendent of Schools, Akron City School District.

STATEMENT OF D. EUGENE DOMINIC

Mr. DOMINIC. Mr. Chairman, I am Eugene Dominic, Deputy Superintendent of the Akron Public Schools. Obviously we are located in Akron, Ohio.

On behalf of the Board of Education and our Superintendent of Schools, Conrad C. Ott, I would like to thank you for inviting us to provide testimony with respect to the reauthorization of the Elementary and Secondary Education Act.

Let me assure you that Mr. Ott would have been here himself, except for a longstanding commitment to our State Superintendent of Schools. He sends his regrets over this scheduling conflict.

I would like to quickly summarize our presentation before introducing my colleague, Brian Williams.

I am aware that the Elementary and Secondary Education Act is subject to congressional reauthorization every five years. I would suspect that this cycle is followed in order to permit alteration of change which is necessary due to every evolving social condition.

Our testimony today focuses on one of the most pronounced phenomena in the area of public schooling, and that is declining enrollment.

Recognizing that this enrollment decline was not a major factor when the ESEA bill was last reauthorized, we are here to recommend a change in the law to appropriately accommodate the many school closures that will surely result during the coming five years in Akron and nationally.

During these times of galloping inflation, we are somewhat fortunate that the enrollment decline provides school boards and staff with the opportunity to close older buildings and in the process to disperse youngsters to schools in such a manner as to improve racial balance within the receiving schools.

In order to proceed with school closures in the most equitable manner, the ESEA legislation should be changed to permit funds designed to serve the needs of poor children to follow these children to new schools in situations where Title I buildings are closed.

With that as a preface, I would like to introduce my colleague, Mr. Brian Williams, who will present a detailed position on this issue.

For your information, Mr. Williams provided similar testimony to members of the Administration at reauthorization hearings last July 16, 1977.

Chairman **Perkins**. Let me ask Mr. Williams a question that I asked a moment ago. Are you satisfied or do you feel there is a way the funds might be distributed more equitably than they are presently being distributed?

Mr. **Williams**. I am aware of the Quie proposal that does suggest a different manner in which the funds be distributed. I think in our Akron situation that we are pleased with the way they are being distributed. I think the concentrations of academically deprived, and financially, and economically deprived youngsters, do go hand in hand in the schools of Akron.

I think that the follow-the-child amendment that we are hoping will be enacted enters into this question very much.

These youngsters who are being distributed from formerly impacted schools, greatly impacted schools, are now being taken out because of our closure plan, which I will get into in a minute, and placed in schools, in the suburban or ringing areas of our city.

I think that we can stay with the present manner of distributing Title I funds as long as the follow-the-child amendment is enacted and added to the legislation.

Chairman **Perkins**. Thank you.

Mr. Dominic, did you want to comment on that?

Mr. **Dominic**. I am in agreement with the statement rendered by Mr. Williams. We in Akron are pleased with the method of distribution. At this point, I can think of no better approach to the situation.

Chairman **Perkins**. Thank you very much.

Proceed, Mr. Williams.

Mr. **Williams**. Thank you, Chairman Perkins, members of the committee.

You are aware that Akron is probably most notably remembered as the rubber capital of the world. With that as an introduction to Akron, a little more information.

Akron is an urban center with a population of nearly 250,000 people. The four largest rubber companies are based in Akron, located about 35 miles due south of Cleveland, and Lake Erie. Akron is located in Ohio's 14th Congressional District, represented by the Honorable John F. Seiberling, and Senators John Glenn and Howard Metzenbaum represent Ohio from the United States Senate.

Enrollment in the Akron schools is slightly over 45,000 youngsters in nine senior, ten junior, and 46 elementary schools. Akron is one of Ohio's largest eight cities. However, like so many cities around the country our population and student enrollment are dropping.

Unlike its other large Ohio cities, Akron is not presently involved in a school desegregation suit. In 1968 a Federal judge, James C. Connel, sitting in Cleveland, found the Akron schools to be innocent of alleged discriminatory actions. No additional suits have been brought since that time.

Against this background, the Akron Board of Education and its staff recently initiated a number of actions to insure the maintenance of our unitary school system.

Specifically, and at the direction of the Board of Education, and following a series of public hearings, it was determined that seven of Akron's schools would be decommissioned and closed over the five-year period 1976 through 1980.

The reassignment of these pupils will improve the racial ratio in 29 school buildings across the city. The Akron school closure plan is geared to the enrollment decline in the Akron area.

At the present the plan does not include parochial, private or neighboring suburban schools. We feel though in time it should involve them. An analysis of the Akron enrollment decline shows that the loss is primarily that of white children.

While Akron has lost over 10,000 majority pupils over the past decade, the percentage of minority enrollment has increased from 18 percent in 1965 to 32 percent today. All of this information brings me to the point of our testimony this morning.

As mentioned earlier, during the period 1976 through 1980, we will be closing seven schools. All of these schools that we are closing qualify for ESEA Title I services. The closure plan calls for the dispersement of these youngsters in the main to schools which do not qualify for Title I funds.

Consequently, because of the affirmative action taken by the Akron Board of Education, children who indeed need Title I services will be denied them.

I am, therefore, today requesting that the reauthorization bill be rewritten in such a manner as to permit Title I funds to "follow-the-child" to receiving schools. I repeat that unlike many school systems, we are not under a Federal court order. What we are doing is being done voluntarily, and will improve the racial balance in 29 schools.

Nevertheless, our desire is to use Title I funds in the receiving schools, and the need, I think, is as significant in those districts where desegregation orders have not been handed down.

The last time ESEA bill was reauthorized the factor or declining enrollments was of minimal significance. In the forseeable future this phenomenon, declining enrollments will result in hundreds of school closures across this Nation because many of the schools closed are older and in the innercity, the schools qualify for Title I Federal funds.

The "follow-the-child" issue promises to become even more significant during the coming five-year period.

Just very quickly I would like to take a minute to illustrate this situation in Akron with one of our schools.

Last June we closed Grace Elementary School, which had an enrollment of 362 pupils, almost all of this population being minority. Beginning in September, this past September, these children were transported to four new schools significantly and, I think, affirmatively increasing the minority ratio in each of these buildings.

Only one of the receiving schools, though, qualifies for Title I funds. The children from Grace school have not changed. They needed Title I services when they were at Grade school, and they still need these services in their schools.

They need the remedial reading and math services and, more than ever, they need the counseling services. Not only counseling for the students, but for the parents and teachers as well.

Other services, such as diagnostic and psychological testing for placement purposes are also needed. Probably more than ever before these services are needed, and yet the Title I guidelines as presently written clearly deny this possibility.

We recognize that the school system will not lose Title I money as a result of our closing these schools. The money will simply be transferred to other Title I buildings. Nevertheless, the children affected by the closures will cease to benefit from Federal funds.

In the case of our Grace school, our early calculations indicate that about $87,000 worth of services have been lost to the Grace school students, though that money has gone to other students in the City of Akron.

The loss of Grace school under present guidelines will be repeated seven times before the five-year closure plan in Akron is concluded.

In September of 1976 we were hopeful that Senator James Pearson's "follow-the-child" amendment as originally written would permit Federal dollars to follow-the-child. We understand that as a result of language modification and simply because of timing the amendment was dropped in 1976.

At that time we worked very closely with our congressional representatives to have the Pearson amendment enacted. Unfortunately, it was not.

As a staff and as a school board Akron feels very strongly that the reauthorized ESEA Title I regulations should be changed so that the funds will follow youngsters in situations where local affirmative action is evidenced.

Presently our school system is penalized for doing voluntarily what the federal courts are mandating many other school systems to do. We would further suggest that modifying supplemental program guidelines on the federal level would encourage and provide incentives for school systems to voluntarily attract racial isolation.

The guidelines as presently authorized in some cases discourage school systems from such voluntary action.

Again, let me thank you, Chairman Perkins, and members of the committee, for this oportunity to present our situation in Akron, and at this time Mr. Dominic and I would be glad to answer questions.

Chairman **Perkins**. Let me thank you. You have made a very outstanding witness, Mr. Williams.

Mr. **Williams**. Thank you, sir.

Chairman **Perkins**. Mr. Quie?

Mr. **Quie**. Mr. Chairman, because we have to leave, I have such a high regard for Dr. Porter I would like to be able to ask some questions and take this time now. Mr. Williams, you are probably as good as Dr. Porter, but I don't know you as well.

Chairman **Perkins**. I think we ought to call on Congressman Kildee first, who is an outstanding member of this committee because he is from Dr. Porter's state. And then Congressman Mottl immediately following Congressman Kildee, who may want to say something, in connection with the Akron people.

Mr. Mottl will take the Chair.

Mr. QUIE. Mr. Kildee, if you would, I would appreciate it, because I have to get over to the Floor. I know it is presumptuous to move ahead of a member from Michigan, who undoubtedly wants to speak glowingly about his Commissioner of Education.

I would just like to get into these questions. You made some excellent points, Dr. Porter, that I would like to elaborate on.

For instance, on your point number two, I believe, too, that we really should let the local school districts set priorities based on assessed educational need, and allocate funds to buildings which have the greatest concentration of educational disadvantaged children.

That is the most generally accepted change I have been interested in. There are a few people who don't accept that, however.

Your third recommendation, to exempt school districts undergoing desegregation, appeals to me. To exempt them in setting up target school regulations appeals to me because what has been brought to my attention so often is that when students do get transferred to another school, and you cannot move the money with them, they then don't have the benefits of compensatory education.

Yesterday it was indicated that OE doesn't have any regulations against following-the-child, but the regulations that require a certain size and scope still apply.

In a way it reminds me of when I was in the Soviet Union, and a high school gave three areas of vocational training. I asked what if a person doesn't want to take those, and wants to go into some other type of occupation, could he go to another high school.

They said oh, yes, anytime they want to. I asked how many did it. They said nobody has done it yet. I think that is the problem we have in the money following-the-child.

But in some cases I assume that it may be that the poverty level is generally low where you still require desegregation. In some of the cities the poverty level is also low in schools which receives the student. I don't remember the figures at all, but using Denver as an example, at that time when they went into a desegregation plan, the ghettos looked like the more well-to-do communities of most cities where you have what is called ghettos.

Has that ever been a problem as you look at the statistics in various cities, that do desegregate?

Dr. PORTER. It is a problem. As the two gentlemen from Akron indicated, it is not only a problem in relationship to voluntary or involuntary desegregation. It is a problem for a metropolitan school district that would like to decentralize and move students into buildings because of declining enrollment or because certain buildings have a better educational program.

In Michigan we believe that student learning and performance takes place in school buildings, and not school districts. To the extent we can have this flexibility, is in my opinion the extent to which we can demonstrate even greater improvement in student learning and performance for the so-called educationally and economically deprived.

Furthermore, we have been able to demonstrate that the current statute and regulations make it almost impossible to provide any incentive to school districts that wish to share students across school district boundaries.

There is no way for a group of so-called economically disadvantaged students, living in Detroit or Flint, to enter into cooperative arrangements with suburban school districts, even if there are buildings in those suburban school districts that are empty, and even if the suburban school districts would like to demonstate that they could be of some assistance in improving the educational achievement of such workers.

I think that the Congress needs to amend Title I so that it becomes compatible with ESEA, and compatible with educational programming in local districts and States, and not a deterrent.

Mr. FORD. Would the gentleman from Minnesota yield?

Mr. QUIE. Yes, I will yield.

Mr. FORD. What Dr. Porter says has been demonstrated in our state, not only between districts but within districts. We can't even do it within the City of Detroit.

A very ridiculous situation was brought to my attention involving the use of Emergency School Assistance Act (ESAA) money in the Detroit Public Schools. In ordering a desegregation plan, the federal judge specified that the Detroit Schools should provide some equality of education for students and eliminate the last vestiges of any system that made one school better than another school.

When the judge ordered them to transfer several thousand students between schools, he also ordered a quality education component and the institution of a basic program of supplementary assistance in each and every one of the schools.

The Detroit Schools subsequently applied for the ESAA funding, which theoretically is—at least as I read the statute—authorized for the purpose of helping districts meet the requirements of a court-ordered plan for desegregation.

Until the Office of Education became more reasonable, we had a very ridiculous situation in which a federal judge ordered the Detroit Public Schools to provide some equality of education for students and to eliminate the last vestiges of any system that made one high school better than another high school for the people who were attending.

So, he ordered them at the same time he ordered the transfer of several thousand students between schools, to institute a basic program of supplementary assistance in each and every one of the schools.

They applied for the emergency school assistance money, which theoretically is—at least the statute says it is—supposed to be for the purpose of helping you meet the requirements of a court ordered plan for desegregation.

We were told by HEW that because Detroit would not be targeting the money and that they were spending it for the same programs in all the schools, violating Title I provisions, they could not qualify for funding.

After a good deal of wrestling back and forth, there finally was a hardnosed bureaucratic decision that Congress did not intend to have this happen, and they did give Detroit a small grant.

But, the district is still placed in a position where it is now able to use this very small ESAA grant, but they cannot use their Title I money in the same way to supplement the ESAA funds.

There is a Federal judge saying that the way in which you meet the problem that was created by de facto segregation over a period of years is to equalize access for those children who need it throughout the school system, and not to pick out a particular school and have a program that is different than any other school in the system.

Now, that doesn't sound too radical and too strange, except that you cannot do it under the present Title I program and qualify for your funds.

Mr. QUIE. John, I want to get into some of the other points here.

I have two questions on your fourth recommendation—that 5 percent of the States' Title I grant be set aside for State departments of education to provide staff. Would you reduce the LEA grants in order to permit this?

The second part of it would be, what role would the teacher training institutions on the one hand and the teacher centers that we developed in legislation in the last Congress, play in that training?

Dr. PORTER. Those are both very good questions. I have to acknowledge Congressman Ford and Congressman Kildee, who are two of our distinguished Michigan congressmen, and who have supported me over the past eight years, and just say that I am pleased that they are here.

First of all, it is my opinion, based on our survey data, that a number of our school districts try to use Title I funds which they can do for professional development or for in-service training of staffs.

I have concluded that it is ineffective, and it doesn't work, for several reasons. The most critical reason is that we have not developed plans that specifically move away from courses and move away from workshops. This is what I hope that the teacher center legislation and other legislation we have in the State of Michigan will do.

The second is that in most instances there is not a critical mass within a school district that could provide the kind of comprehensive staff development that is needed. So long as you allow the money to go down to every one of the 16,000 school districts, and you have no cooperative arrangements for professional development staffs, nothing takes place.

Third, in most instances—and I am sure this is not the case in Akron, but in most instances—we have discovered that parapros were hired, not for the purpose of assisting teachers and improving student learning and performance, but for other reasons, and many of them were not really trained to do the job in the classroom to be supportive of the teacher, plus the fact that the teacher was never retrained and prepared to have another person in the room. It creates what I call tantalizing tension.

Now, I think that a setaside would, unless you added the money over and above, which would be my first recommendation—I think a setaside would remove 5 percent from local districts. But it is 5 percent that they would be using anyway.

It would merely rechannel it through either teacher centers or through consortiums, whereby they could provide better service for the parapros, better services for elementary principals, better services for Title I school staffs.

The second question—I think it is absolutely important that there be some direction that colleges of education and teacher center legislation that was enacted last year together.

Now, in our State we have done this through State law. The current law does not allow the colleges of education to participate in teacher centers. I think that is a deficiency that needs to be corrected.

In Michigan 78 percent of all the teachers have earned all of the credits that they need in order to maintain their life certificates, and 77 percent of the teachers are at the top of the salary schedule.

So, there is no reason for them to get involved in the college of education. But we have to get those colleges of education involved in helping local school districts and the professional staffs through the NEA, and our MEA, to improve teacher performance and teacher knowledge, to respond to your second question.

Mr. QUIE. John, could I ask you to do four things for us.

One, I like what you have suggested, and some other people have suggested, along this line of having some money set aside for teacher training.

My problem is that it may be used by the State merely to give some stipends for teachers to go to the institutions of higher learning, exactly what you have indicated is going to happen.

So, first I would like to have you lay out, as if you were writing this legislation, the purpose that could then be used by OE in writing its regulations. You could help us on that. Really make the description concise, so we can put it into a piece of legislation.

Second, I would like to know how you think comparability ought to be restructured, to put a little more meat on that bone that you threw out to us.

Third, you suggest that the State have more authority regarding parent participation, so I would like to know if you were given that, what Michigan would promulgate as guidelines.

The fourth one is that the Decima study has come out now with certain figures on how many poor kids are in Title I, how many underachievers, how many underachievers are poor, and how many are nonpoor.

If you have any way of matching up that Michigan information with the national information and Decima, please provide that to us because I would expect to have more information than most any other State because of the fact that you run a State program based on educational achievement, Title I distributed based on poverty. That information probably is available down to the local level.

If you can do those four things, it would be of enormous help to us.

Dr. PORTER. We will undertake to do those four. I will process them through Congressmen Ford and Kildee, and we will see that you get a specific paper on each of the four.

Mr. **Quie**. Thank you. I want to thank my two colleagues from Michigan for letting me go ahead of them.

Mr. **Heftel**. [Acting Chairman.] Mr. Kildee?

Mr. **Kildee**. Thank you very much, Mr. Chairman. I want to apologize for being late this morning. However, my Subcommittee on Labor Management Relations had a mark-up session this morning. We just completed that.

I wanted to be here to welcome Dr. John Porter, the Superintendent of Public Instruction in Michigan. Michigan has indeed been fortunate to have a person of Dr. Porter's caliber to serve as its chief educator.

For six years I was in charge of Dr. Porter's budgets, and generally tried to take care of their needs as adequately as the fiscal situation of the State permitted.

Dr. **Porter**. I wish you still were.

Mr. **Kildee**. Thank you very much.

I also, during those six years, used to worry that Dr. Porter might be lured away by another educational agency because we certainly have been the beneficiary of his talents, his dedication, and his very innovative approach to both the delivery of educational services, and the financing of education.

I would like to just ask one question of Dr. Porter.

We appropriated some money, about two or three years ago, I think my first year in the Senate, Dr. Porter, for an in-service teacher training program at Wayne State University.

Can you tell us, has that worked out very well or what comments you might have on that.

Dr. **Porter**. Yes, I would.

I must say due to your support and leadership that has worked out extremely well. The legislature this past spring tripled the amount of money, and we have gone from the Detroit Professional Development Center to two other centers, one in the Kent area and one in the Kalamazoo area.

We have two other centers that will start next year, one in the Upper Peninsula, and one at Michigan State. We now have legislation to create professional development centers throughout the State.

We have established 42 professional development advisory councils, of which 50 percent of the members of those councils are teachers. So, we are well along the way.

That is another reason why I have made the recommendation today to allow for setaside of Title I funds to flow through centers, so the teachers can participate in the in-service training and staff development of their own.

I think this would help us to strengthen this concept. I think for the first time it is going to bring about a better marriage between collegiate institutions and local school districts.

Mr. **Kildee**. I am happy to hear that because, as you recall, just to provide the initial funding we went through the perils of Pauline. People said it was just another program to fund and that we were not sure it would work. I am happy to see it has been successful.

Dr. **Porter**. It has. The only anxiety we have at the present time—and I am hopeful we are going to be able to work it out—

there is a slight conflict between the federal teacher center legislation and our state professional development legislation.

The Federal teacher center legislation does not permit nonclassroom teachers to be involved. We think it is extremely important, for example, that elementary principals be provided professional development as well as teachers. In fact, maybe in some respects more so because they have to set the climate for change.

We have got to figure out some way to link the teacher center legislation and state professional development legislation together, just as we have to figure out here today some way to link Title I with state compensatory programs.

Mr. KILDEE. Thank you very much, John.

Thank you, Mr. Chairman.

Mr. HEFTEL. Mr. Ford?

Mr. FORD. Thank you, Mr. Chairman.

I too am sorry I wasn't here for the beginning of this. This is my third committee this morning.

Dr. Porter, for a number of years Mr. Quie has been the foremost proponent of an alternative method of directing funds. Unfortunately, every time the word testing is used in this building, it triggers a knee jerk reaction, which I am not entirely willing to accept.

While I am not yet ready to adopt the most radical of his proposals, I am persuaded by what I have been hearing and seeing about Title I during the past few years. We are finding that we are not accomplishing what we originally intended in 1965, with a method of fund distribution which affects the location of programs and the availability of access to the programs by the people who most need them.

On page 4 of your statement you make the point in your second recommendation that local school districts ought to be able to establish their priorities by using an assessment of educational needs and allocating the funds between buildings on best basis of that assessment of educational needs.

You point out that this is a modification of your previous position. I would like to say that that fits the modification of my previous position on this matter.

I have been engaged in some conversations with Mr. Quie about the possibility of permitting a State or States, if that State chose the option to allocate funds on the basis of assessment. I would propose this if there is no basic change in the methodology of determining a State allocation of Title I funds.

Is it your position that we might be able to do a better job in Michigan if the State of Michigan was allowed to use something other than the present census and income criteria to make the distribution between school districts, and then between buildings in the school districts.

Is that what you are saying?

Dr. PORTER. Yes, Congressman Ford. I would like to respond to that question in two different ways, because of the modification of my previous position, one which we talked about at great length, and again because of your excellent presentation in Michigan this past summer.

I am convinced that a change in Title I to test scores is not politically or economically feasible. But I am also and have been for a long period of time very concerned about the fact that there is no incentive and no relationship between the allocation of Title I funds and whether or not so-called educationally disadvantaged or economically disadvantaged children improve this student learning and performance.

In other words, whether or not they do or don't doesn't affect in any way whether the money continues to flow.

As you know, in appearing before this same committee in 1974, I made this point. I am now more concerned than ever because as State legislatures—and I am not suggesting that this is wise, because I don't think it is—but as more and more State legislatures adopt mandatory competency testing programs to determine whether kids can read or write to get a diploma, they are going to find, as Florida is finding right now, that 25 or 35 percent of the students cannot read and write.

I predict they are going to find the majority of those students were in Title I programs. All hell is going to break loose, unless we start, it seems to me, having a relationship between educational performance and the allocation.

The second point that I would make is that I have modified my position because we have discovered that there are a lot of students who are low achievers, who don't fit the Orshansky or Title I educational deprivation, or the economic deprivation levels.

I have modified, because we have now in Michigan begun to set the same criteria for Chapter 3, our State program, in Title I. If we can produce for our legislature and for Congress data which indicates that we are improving by an independent criteria, then I will come back to the committee and say that we should make some additional changes consistent with recommendation number two.

But up to now no State in this Nation has an independent criterion for determining educational performance on Title I or their State program. That is what we have embarked upon, and because we have just embarked upon that we could not answer some questions that came out of NIE and some others.

I have modified my previous position, Congressman.

Mr. FORD. One of the things that comes to one's attention, if we look at the total of Title I, is that we have two groups of children reached by Title I that have a special need. Their existence, location, and need must be determined before money flows to the school agency to educate them. These children are the handicapped, and migrants.

So, when we spend money on either handicapped or migrant children under Title I, we know from the intent of the legislation all the way through to the ultimate educational product presented to the student, that there is a real person ultimately in mind who has a specifically identified need that is met by the money.

On the other hand, the vast majority of the money goes into the general Title I program, and ends up in a situation where some cities use the forms that are filled out by children to qualify for free school lunch as a basis upon which they determine which of the schools in that school district will be 'target schools.'

Then everyone in the school presumably has access to the program if they have the good fortune to accidentally live where the statistics indicate there is an educational need.

In other places we find that large cities have resorted to using hand counts of public assistance cases, and extrapolating figures from that. In others they simply rely on the census data that they have, which tells us where children coming from families with certain economic characteristis were in 1969 and 1970, but not where children are in 1977 that are having trouble learning to read and develop their basic skills.

The characteristics that these other groups have are such that they are in fact measured and observed in a subjective way in order to determine their qualification for the program and their need for the specific program which is designed for them.

As a matter of fact, there is little evidence, that in general, Title I school districts of any size have been able to do this with their regular Title I programs since we put the comparability provisions in the Act in particular. Is that not true?

Dr. PORTER. That is correct. I think you have made an excellent point that I would like to stress to the committee; that is, that the migrant, the special education, now with Public Law 94-142, and even the new bilingual legislation, and Michigan has mandated, those operate on an entirely different basis than Title I.

For a large school district to try to bring about some type of compatability between those is extremely difficult. As you indicated, most districts cannot do it, and there is no reason for them to do it, because of the way the allocation is processed.

There should be some compatability between those and also the other points made by Akron, and myself, relative to desegregation. That is an excellent point, Congressman.

Mr. FORD. I might in closing like to observe that I recently learned that by action of the State directors of migrant education in the 46 States that participate in the migrant record transfer center, the Michigan assessment testing program establishing math proficiency is being adopted as a standard for all of these 46 States. This will provide a rational way to move a child from one State school system into another, and not waste all of that child's time by putting him in the wrong class at the wrong level of achievement.

We have not had very much success doing that in other programs. The aspect of this which strikes me is that we now know more in Michigan about the previous learning exprience and educational exposure of a migrant child coming to us from Arkansas, than we do about a child who moves from Detroit to one of the suburbs and depends on the traditional method of having his records follow him.

So that has had some influence on me in recognizing that people in education to whom we have given some latitude without the strictures that we have placed on Title I generally have done a much better job in using the money. They have developed technology for future efficient use of the money that is superior to what happens under the present system.

So, I am certainly going to be willing to work with Mr. Quie and others on this committee to see if we cannot take advantage of that work, and begin to trust educators at the State and local level a little more than we have been willing to trust them in the past.

Dr. PORTER. I am very encouraged by those remarks, Congressman. You have been well briefed. I think your comments again bode well for my recommendations.

It is sort of ironic that 45 of the 46 States under migrant have adopted the Michigan needs assessment program in math, in migrant education. I can't get that same instrument used in Title I in the State to determine whether kids are acquiring any proficiencies in math. I think that suggests something.

Mr. FORD. Thank you very much.

Mr. HEFTEL. Mr. Goodling?

Mr. GOODLING. Dr. Porter, first of all I would like to say that I appreciate your recommendations very much, having been in a similar situation on a much lesser scale, of course, as a superintendent of a school district.

One and two particularly, because it was very frustrating, first of all, to have someone in Washington tell me how many youngsters I had that were in that category, and then in which schools they were, and then not being able to do anything for any of the youngsters, who probably were in more need in other schools, but there were not enough of them, and then not being able to carry it through.

I also was pleased to hear of your reservations about this business of State legislatures getting into the business of determining a testing program to decide whether a youngster is or is not accomplishing what he should be in school.

Just in my own mind, I have a feeling that what we are going to do is exacerbate a school dropout problem, a school vandalism problem, and possibly a school violence problem.

I have one question that is not related to your report that I would like to ask.

There was some handicap legislation passed in 1975. The guidelines were just released, as I understand, in August, and they are to be implemented in October. I am getting all sorts of letters from home about this.

Are you having a problem in Michigan—with the individualized programs and so forth which are supposed to be set up according to the guidelines that came out in August were supposed to have taken effect by the 1st or the 15th of October.

Dr. PORTER. Congressman, I am not a very representative chief school officer in regard to a number of things, and a minority in many others.

The Public Law 94-142 was patterned after the Michigan law that took effect in 1971. We mandated in our law individualized instruction for each special student, handicapped student. Likewise, our law covers every person from zero to 26, including every individual in every mental institution.

Therefore, we find Public Law 94-142 not as strenuous on us. We have no problem whatsoever. I must hasten to say, however, as president of the Council of Chief State School Officers, those new regulations are giving a number of our State school officers absolute fits, and it has given a number of our local district school officials a great concern.

Mr. GOODLING. I guess we should have had an in-service program out in Michigan for the rest of the States.

Dr. PORTER. You are absolutely right. Congressman, you have made the point. And it gets back to some of the recommendations in Title I.

There has not been any money set aside for upgrading, retraining or even bringing school staffs in State agencies along to implement Public Law 94-142. Let me give you one example.

Public Law 94-142 mandates what we call mainstreaming, or you could call it instruction in the least restricted environment.

Most school staffs and most administrators have not been prepared to deal with that issue. Most handicapped kids terminated their educational experience about the end of the sixth grade.

I contend that we are going to have serious problems across the country—we won't have in Michigan because we have put out front in Public Law 94-142 some funds to deal with some of the issues of getting staffs ready to implement it.

So, you get tremendous resistance from Chief State School Officers, and tremendous resistance from local districts.

Mr. GOODLING. Thank you, Dr. Porter, for a very fine presentation.

Mr. HEFTEL. Thank you, Mr. Goodling.

Dr. Porter, members of the panel, we are due on the Floor to vote at this point. I think that it will be most efficient if we adjourn and reconvene in approximately 15 to 20 minutes, if that will meet with your approval.

Mr. Kildee will assume the Chair at that point, and then I will come back as soon as I can. I wish we didn't have to do it this way, but I know of no alternative. So, if you will bear with us, we will reconvene in approximately 15 minutes.

[Brief recess.]

Mr. KILDEE. We can convene at this point.

Mr. Miller.

Mr. MILLER. In your discussion, in answering Dr. Porter, you said this was a change from your previous views. ". . . My second recommendation, therefore, is that local school districts be allowed to establish Title I program priorities, based upon an assessed educational need and allocate funds to buildings having the greatest concentration of educationally disadvantaged students . . . ."

My question is this: Many people would suggest that when that happens the changes that the educationally disadvantaged child, economically disadvantaged child, would not receive the same amount of resources behind their education as they might otherwise on a very strict direction of the money to the child. But it seems to me that, certainly in California where the legislature has made the effort, in response to the *Serrano* decision to try to equalize resources and where school districts are in the middle of complying in desegregation orders, you have an effort by the State to equalize the educational resources behind each student, it would seem to me that if States have made that effort to bring into compliance equalization, have complied with desegregation orders, at that point you can start talking about discretion at the school district level.

I am not sure how you would talk about that kind of discretion when the States have failed in many cases to make that effort, where you have these wide disparities of resources available to educate children.

Would you like to respond to that?

Dr. PORTER. That is a good question. Yes, I would like to specifically respond to it. I do not know that I can answer the question fully.

Michigan does have an equalization formula that the California Supreme Court recommended to California they adopt. So in our sense, whether you are a poor district or rich district you get the same amount of money behind each student at a certain level. That was a change made in 1974.

I contend since the enactment of Title I there have been a lot of additional funds pumped into localities—bilingual funds, desegregation funds, equity funds—and that in many instances a school district, and I will take Akron since Akron is here—can probably provide for an economically disadvantaged student better educational services in a different social milieu by enabling some dollars to follow that student, rather than trying to keep those dollars tied up within an economically depressed area.

Our data clearly shows—it is documented in this new study from the NIE—that we can provide educationally in our Chapter II program as much student learning and performance as Title I, which costs twice as much. It is no better but it is not worse. I think comparability needs to hold constant that figure. Through the PACs, through the parent advisory councils, if we can demonstrate—that is why I support using educational need—that we can better meet the needs of the economically disadvantaged through the "follow-the-child" concept, then I think we should be allowed at the local level to do it.

My modification is that I am convinced that local districts, Richmond, others, are fearful if the money is allocated educationally at the State level, the State will have more control. I think we should be able to provide that incentive at the local level.

Mr. MILLER. My belief would be before we can embark on the kind of program you recommend with this discretion at the district level, there would have to be a threshold. It would seem to me a State would have to qualify in terms of good-faith effort they are providing equal resources. That is clearly the mandate in our case and States are moving, but prior to that good-faith effort I am not sure we can relinquish the kinds of controls you now see over Title I in terms of concentrating the money in those schools because the history would show you the resources are just not put there.

Dr. PORTER. I am sorry, I thought I spoke to that specifically before. On page 51 of my recommendations was that particular place. I think that the State agency must submit in its plan in relationship to the "follow-the-child" concept that it has equalized those services and that there will not be a diminution of services when the student moves out.

I am agreeing with you. Let's take California. I think that the California State department ought to provide the assurance that the State funds have equalized and that the moving of the student is taking place above the threshold and not below it—absolutely. I am only talking about Michigan. I think I can make that demonstration right now and I should be allowed to do it.

Mr. **Miller**. Do you think you should be allowed to do it based upon a presentation and acceptance by HEW, or should we fool with writing standards for that threshold in terms of disparity, in terms of tolerances?

Dr. **Porter**. To the extent possible, I would think it would be important for the intent of the Congress to be explicit, but I would just as soon submit my plan to HEW concerning the threshold rather than have specific criteria, because we do have the 50 States and six territories and they do differ. I think you should make the intent explicit in the legislation.

Mr. **Miller**. One final question. Would you be comfortable if an attempt was made to provide this, to some extent an incentive to equalize the State level, in civil rights enforcements?

Dr. **Porter**. Now, that is a different ship. I think if you do what I am recommending here it would help to implement Section 842 in that in the *Rodriguez* case the Federal Government said education was not a right. With the power of the $2 billion in Title I, I think you could do somthing this way that you could not do through the courts, and I think it would give an incentive to States to move forward.

We did it in our State because we had a State constitutional direction from the Supreme Court, but it would give the other States that same kind of challenge.

I think likewise doing this would bring Title I more in line with federally mandated school desegregation cases. In Jeffersonville, Kentucky, in Flint, in Wilmington, Delaware, where you would be able to have a Title I funds follow the student, if in those desegregation cases it was demonstrated that the threshold was achieved.

Mr. **Miller**. Thank you.

Mr. **Kildee**. Thank you very much, Mr. Miller.

Our next witness this morning, who has been very patient, is Mr. Marion J. Cortez, Director, Title I Program, Lafayette, Louisiana.

STATEMENT OF MARION J. CORTEZ, DIRECTOR, TITLE I PROGRAM, LAFAYETTE, LA.

Mr. **Cortez**. Mr. Chairman, thank you for this opportunity to share with you some of my convictions concerning funds following the child in districts undergoing desegregation.

In order to reach a position on this topic, the strengths and conditions which have led to the success of Title I must be clarified. To this end an attempt will be made to explain the necessary conditions which are imperative to a successful Title I program and which will have a bearing on the reasoning process utilized to reach a conclusion on this issue.

Title I success is in part due to a clearly identified population to be served. This reduces pressures which might be exerted to use the funding for general aid, rather than for the purposes specified by the law under which Title I programs operate.

The concentration of services is designed to include both academic and supportive assistance in order to assure cognitive growth. Along with these services, in-service training of Title I staff and of staff sending students to Title I activities is vital. Children receive classroom instruction which complements the prescribed Title I educational plan only when such training is provided.

I believe in equality of education, therefore I support the concept of comparability. Without comparability, some programs would definitely function in the area of general aid. This would be detrimental to concentration of services and would deprive children of equalized educational services.

It is contended that a child who enters a Title I program should be permitted to continue as long as he is eligible. This is deemed necessary if the child is to have the opportunity to reach the academic level of his peers.

The implied thesis of this statement is that the money should follow the child in districts undergoing desegregation. However, it is a thesis which must be carefully evaluated. One must look very carefully at management and administrative problems in the light of the previously stated components necessary for success.

If money follows the child, one will find on the same campus educationally deprived children who are eligible for Title I activities and educationally deprived children who are not eligible for these activities, and some of whom have greater need than the eligible children. This sitution could assuredly cause pressures and dissatisfactions which could prove to be deterimental to the entire program. It is conceivable and likely that every school in the system would become a participating school and thus there would be no comparability requirement. This again could lead to use of funds for general aid. Many of the schools would have few eligible participants, and these would likely be spread over a large span of grades, thus making it very difficult to service the student adequately. It would also lead to a "spread out" program necessitating travel by Title I staff and requiring additional large amounts of materials and equipment. Such a program would also make it impossible to offer concentrated services. The process of providing inservice training to all staff involved would be unwieldy and would definitely be in the area of general aid. However, without such inservice, the program could not make the impact that can be brought about by more concentrated efforts.

The reality must be faced. At the present time, Title I programs can only serve approximately fifty percent of the eligible students with the funds available. To allow the money to follow the child would result in an even smaller number of children who could receive such service. The program would obviously be more difficult to administer. There would be many areas open which could lead to supplanting and which would destroy the whole philosophical base of the Title I program.

Unless sufficient monies are appropriated—a minimum of double that of the present appropriation—fragmentation of services will result and the success Title I now enjoys will not be achieved. Therefore, the concept of money following the Title I child in districts undergoing desegregation should be opposed.

Thank you for your time and interest, and I will be happy to answer any questions you may have.

Mr. KILDEE. Thank you very much, Mr. Cortez, for your succinct testimony.

Mr. Miller, do you have questions of Mr. Cortez?

Mr. MILLER. No.

Mr. KILDEE. Mr. Pressler.

Mr. PRESSLER. I have some general questions for any witness.

I was curious. Maybe I can direct this to Dr. Porter, who is Superintendent of public schools in the State of Michigan. We have not heard much about the impact of Title I in the rural and smaller schools. Indeed, I know that your testimony, which I have read, is directed towards desegregation and following-the-child issues which would not exist in some of the smaller towns—I am sure Michigan has them. South Dakota, where I am from, has many.

Are we devoting sufficient attention to Title I, and is it working in smaller towns and rural areas?

Dr. PORTER. We are devoting in the State of Michigan as much concern to the thousands of youngsters who participate in Title I programs in our rural areas in the Upper Peninsula as we are in urban centers.

Congressman, I think a review of my nine recommendations would indicate that a sizable number of them focus upon concern in the rural area. I will just tick off two. First of all, it is impossible in the State of Michigan for any rural area to provide a comprehensive and well-developed inservice training program for teachers of Title I the way Title I money is now allocated. The amount of money that the typical rural district gets is not sufficient to provide for inservice training and retaining of parateachers or for the school staff because there is not the critical mass.

I have recommended to you that there is a need to develop the critical mass within the rural area. I spoke to that earlier this morning.

Second, and I will just mention two, the whole concept of "follow-the-child" is not just desegregation, as I indicated in my testimony, but it is also to enable a number of rural areas to combine their resources maybe at a media center or at a regional center whereby the students could get some comprehensive services.

I would hope that Title I, as amended, would allow rural areas an incentive to pool their resources to better meet needs of youngsters regardless of involuntary school desegregation.

Other recommendations I have made also would strengthen programs in the rural area.

Mr. PRESSLER. If we change the criterion to the need of the students in the school or the number of students in need of Title I rather than the present criteria of poverty in an area, what effect would that have on rural and small-town schools?

Mr. CORTEZ. I would say that, based upon our data when we make a change—incidentally, this was based upon the support of Congressman Kildee.

He was the principal author of Chapter III when I recommended to him as chairman of our committee that we do this.

We discovered the Chapter III funding did not materially affect the shift in the distribution of funds. We discovered something else, though, that I think would be very interesting. I would not say this under normal conditions but I am going to say it here because I think it is intriguing. We discovered when we made this shift more of the rural areas were able to demonstrate that they could move off of Chapter III by improving student learning and performance a lot faster than the urban centers. So we have made to modify Chapter III to put a support mechanism to maintain that quality assurance. I think that is a very important point.

In other words, for some strange reason the concentrating on educational deprivation in the rural areas of Michigan in the Upper Peninsula proved to be far more effective than the allocation of Title I funds in the rural areas.

Mr. **Pressler**. Does anybody else have any comments on those subjects?

[No response.]

Mr. **Pressler**. Thank you.

Mr. **Kildee**. We will go to our next witness and then we will ask questions of them all. I then propose at that point, since there seems to be a 2-to-2 division, to ask you to make comments on each other's comments.

I will call now upon Ms. Linda Brown, Director of the Federal Education Project, Lawyers' Committee for Civil Rights Under Law.

STATEMENT OF LINDA BROWN, DIRECTOR, FEDERAL EDUCATION PROJECT, LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, ACCOMPANIED BY SUSAN PERRY, ATTORNEY

Ms. **Brown**. Thank you very much. With me today is Susan Perry, who is the attorney for the Federal Education Project.

Even though our project deals with a number of Federal education programs, we are going to confine our remarks to the issue of whether or not Title I funds should "follow the child". We have developed a more comprehensive statement on other Title I issues and would like to have that inserted into the record.

Mr. **Kildee**. That will be so done.

[The statement and the information referred to follows:]

STATEMENT OF LINDA BROWN, DIRECTOR FEDERAL EDUCATION PROJECT OF THE LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW ON THE REAUTHORIZATION OF TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT BEFORE THE HOUSE SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

Congressman Perkins and Members of the Subcommittee: Thank you for this opportunity to be here today to share with you the views, concerns and recommendations of the Federal Education Project regarding the reauthorization of the Elementary and Secondary Education Act (ESEA). With me is Susan Perry, who is the staff attorney for the Federal Education Project. While the Project has been involved with a number of federal education programs included in ESEA, and particularly the Title I program, I will confine my testimony to the issue of whether or not Title I funds and services should be allowed to "follow the child" reassigned away from a Title I-eligible school pursuant to a desegregation decree.

The Federal Education Project has been in existence since October 1975 as a legal, informational and advocacy resource for the beneficiaries of federally funded educational programs administered by states and local school districts--particularly the Title I program. We assist minority and low-income parents in securing compliance with statutory and regulatory requirements of the program. To provide this assistance we have attempted to clarify for parents and local school officials the meaning and intent of federal laws and regulations, through workshop presentations, a monthly Newsletter, and other publications. We have also sought to persuade and convince federal officials to respond to the expressed needs and complaints of parents about local and state administration of the program.

During the 1976 Congressional debate over the Education Amendments of 1976, the Project reviewed very carefully and commented at the request of Chairman Perkins on the advisability of allowing Title I funds and services to "follow the child."

Then, as now, we argued against such a practice, for reasons which I will state more fully in a few moments.

After consideration of issues involved in the loss of services by Title I children reassigned to non-Title I schools as a result of a desegregation decree, the Congress amended the Emergency School Aid Act (ESAA) to provide a set aside of not more than 5 percent, within the Assistant Secretary's discretionary funds, "for providing compensatory services to students who had previously received such services funded in whole or in part under Title I of the Elementary and Secondary Education Act of 1965, but who are no longer receiving such services as a result of attendance area changes under a desegregation order or plan issued after August 21, 1974." [Section 321(a), P194-482].

We believe this was a good and proper solution to the "follow the child" problem. However, since no regulations have been promulgated for this section, and no ESAA funds have been expended for this purpose, we find ourselves here today once again discussing the pros and cons of a Title I "follow the child" policy.

The Federal Education Project maintains its opposition to allowing Title I funds to "follow the child." Our major concerns fall into two broad categories, those which relate to the goals and effective operation of Title I programs, and those which relate to facilitating successful desegregation and minimizing community resistance.

In order to allow Title I funds to "follow the child", Section 141(a)(1)(A) of the current Title I statute would have to be amended to expand the categories of schools and students for whose benefit a school district's limited Title I allocations are to be spent. As now written, the statute permits Title I funds to be used for projects to meet the special needs of educationally disadvantaged students (a) in school attendance areas with high concentrations of children from low-income families; (b) in schools, outside such areas, with similarly high concentrations of such children in actual attendance; (c) in school attendance areas which had such high concentrations in either of the two preceding school years; and (d) throughout a district if there are not significant variations among attendance zones in the distribution of children from low-income families. In each of these categories, if a school attendance area is targeted to receive Title I services, all children attending the school serving that area participate in Title I if they are educationally disadvantaged.

The new category would include students who previously attended schools serving eligible attendance areas but who are reassigned to ineligible schools as a result of a desegregation decree. The addition of the new category would not only increase substantially the number of school sites eligible for Title I programs, but also for the first time, some educationally disadvantaged students in a target school would be disqualified from participation in Title I programs for reasons which have nothing to do with their level of educational attainment.

The seriousness of this situation is aggravated by the single most important fact affecting the design of local programs: the level of funding. In the more than twelve years since the program's inception, Congress has never appropriated sufficient sums to fund authorized entitlements fully--much less to provide compensatory services and programs to every educationally disadvantaged student in an eligible school. Because the law also requires that Title I projects be concentrated for greatest impact, the result has been that school systems must choose which needy potential recipient students they can serve with the limited funds available. To the extent that a district attempts to place Title I programs at a large proportion of its eligible schools, it may dilute the effectiveness of any program. Given these realities of funding, an expansion of the categories of eligibility increases the risks of program dilution and the dangers of destructive competition for limited resources.

Before exploring in detail the reasons for our opposition to a "follow the child" policy, I would like to review briefly the history of school eligibility and targeting under Title I as it relates to the "follow the child" concept. At the time the statute was enacted in the mid-1960's, many Southern school systems retained dual overlapping attendance zones for black and white children in order to preserve segregation. In these circumstances, Title I programs were often located only at all-black schools. From 1965 to 1969, these districts began the process of desegregation under "freedom of choice" methods. The overlapping attendance zones were formally maintained, but individual school children could elect to attend schools outside their zones. Virtually without exception, only black children elected to transfer schools for purposes of desegregation. But black children who had been receiving Title I services in all-black schools (for two or three years at most) often were discouraged from choosing to attend white schools because these latter schools did not have Title I programs. (Prior to 1970, there were no federal funds available to provide services to children in desegregated schools as a potential incentive to exercising the choice, as became available under the Emergency School Assistance Program and the Emergency School Aid Act of 1972.) In order to eliminate the problem of Title I programs furnishing a disincentive to desegregation, and in furtherance of the policies of Title VI of the Civil Rights Act of 1964, the U.S. Office of Education (OE) for several years permitted school systems to "follow the child" with Title I funds and services when desegregation transfers took place.

After 1969, "freedom of choice" was unacceptable as a method of desegregation except in very unusual circumstances, and consequently the burden of desegregation was lifted from individual children and their families, and placed instead upon school systems.

Thereafter, most desegregation has taken place pursuant to plans utilizing redrawn attendance areas. To reflect the changes in Constitutional interpretation of desegregation requirements, and to prevent excessive dilution of Title I funds, OE in 1971 adopted a new policy concerning desegregation. Program Guide #64 (January, 1971) cancelled Program Guide #28 and ended the general practice of "following the child."

According to Program Guide #64, the only conditions under which Title I programs could "follow the child" is when children "who reside in eligible attendance areas but by specific arrangements attend schools serving ineligible areas may be considered for participation in the Title I program." The OE Program Support Package explains that this part of Program Guide #64 is intended to make "provision for majority-minority transfer" (similar to free choice), which is often an added option for some students under desegregation plans.

Under the policy which has been in effect since 1971, a school system which desegregates must redetermine, on a systemwide basis, eligibility for and targeting of Title I funds. Each attendance area--many of which will have been altered by such techniques as redrawing boundaries, pairing, or non-contiguous zoning--must be ranked anew in terms of the number or percentage of school-age children from low-income families, in order to assure that schools serving attendance areas with high concentrations of low-income children receive Title I funds.

In this redetermination of eligibility and retargeting process, it is possible that some children who previously received Title I services may now be attending schools which no longer are, or never were, eligible for Title I programs. However, unlike the situation in the late 1960's funds are available to school systems to provide extra services for these and other students in desegregated schools under the Emergency School Aid Act. While it is a national tragedy that all too often the needs of some educationally disadvantaged students go unmet because of inadequate federal funding of education programs, we endorse the principle upon which Title I was originally enacted, and continues to oeprate: that educationally disadvantaged students attending schools where there are large concentrations of children from low-income families face greater educational barriers than those in schools with smaller proportions of low-income children. The problem of lack of funds to meet the needs of all educationally disadvantaged children will only be exacerbated by spreading already inadequate Title I funds more thinly. So long as Title I appropriations not only fail to make available needed services to all educationally disadvantaged students, but fail even to keep up with the rate of inflation so that existing service levels can be maintained, we feel that distribution of Title I funds to schools on the basis of high concentration of children from low-income families makes the most sense, both educationally and equitably.

A "follow the child" policy is not consistent with the underlying premise of Title I as I have just outlined. For this and the following reasons we consider such a policy unwise:

1. A "follow the child" policy may disrupt the "poverty targeting" basic to the existing program. A school which previously would have been eligible to receive Title I funds because of the concentration of children from low-income families might no longer receive funds, or might receive a reduced amount, because some of the district's Title I allocation will be diverted to non-eligible schools in order to provide programs for children formerly attending this school. This could occur even if the children transferred out were later replaced by other low-income students (of a different race). The result may be to provide Title I services to educationally deprived children in schools serving relatively affluent attendance areas while denying similar services to such children attending schools serving predominantly low-income areas--contrary to the general principle of the Title I program. Although the concentration of fund requirement[1/] would prevent the dilution of services to children participating in Title I projects, unless there is a substantial increase in Title I appropriations nationally, the number of schools with high concentrations of poor children receiving funds, or the amount of funds received by indidividual schools would be reduced.

2. Dissatisfaction with desegregation programs might be be increased, rather than reduced. As numerous studies and reports have indicated, a major complaint about desegregation is that

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[1/] §141(a)(1)(B) of the statute requires that Title I programs must be "of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting" the special educational needs of educationally deprived children.

attendance area changes combine groups of low-income whites and low-income blacks, fostering racial but not socioeconomic desegregation. When this occurs, under the present Title I statute schools serving such students at least are among the primary targets of Title I funding. A "follow the child" policy might result in taking away compensatory education funds from such schools and thereby increasing dissatisfaction with and resistance to desegregation.

3. The policy could create resentment between parents of students who receive services and parents of those attending the same school who do not. In future years, a "follow the child" provision may cause resentment--likely to be racial in nature--between parents of educationally disadvantaged children who receive Title I services and parents of educationally disadvantaged children in the same school who do not receive Title I services. We know of one school system, which has illegally used the "follow the child" method of targeting Title I funds for five years, where this has happened.

The Wichita, Kansas school system has operated under an HEW-approved desegregation plan for its elementary schools since the 1971-72 school year. Since that plan went into effect, the district has served educationally disadvantaged children with Title I funds using the "follow the child" concept even though OE officially disapproved this approach after the 1970-71 school year. The results are revealed in documents submitted by the school district to the National Institute of Education (NIE) in support of its application to participate in the Compensatory Education Study Demonstration

Projects mandated by the Educational Amendment of 1974 (PL 93-380).[2]

In a footnote in the Overview section of the Wichita demonstration grant proposal, the use and effect of "follow the child" was acknowledged:

> With an implemented plan of total desegregation through busing, the Wichita School System has had to move to "follow the child" policy on services. *Title I eligible children (from [pre-desegregation] target residential areas) are then resegregated from non-Title I eligible children (in the same school) who often have equal or greater educational need and equal or greater poverty.* [emphasis added]

In the Rationale portion of the proposal, community resentment over the results of the "follow the child" policy is first mentioned:

> One distinct advantage of decreasing concentration by declaring all academically deficient students eligible is that this change would result in more social acceptance of minority students . . . There often is a recognized resentment that these bused-in students are eligible for special services to the exclusion of the educationally needy in the residence area.

Then, in the Project Outcome portion of the proposal, community resentment is highlighted even further. (Though no explicit racial references are used, it is obvious that the hostility is directed by one race toward another.)

More Positive Response from Community

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[2] §5821(a)(5), PL 93-380. As you will recall, with the approval of the district-wide Parent Advisory Councils, up to 20 school districts participated in the study (actually there are not only 15) may distribute Title I funds "on the basis of a method or combination of methods other than the method provided under §141(a)(1)(A). §150 of Title I; 20 U.S.C. §241n.

> The Wichita community has been aware that Title I programs were concentrated on a specified group of children. They do not object to the concentration as much as they object to the fact that (because of busing patterns) children who are seated beside one another in the same classroom and who both indicate an educational need, are differentiated between because their residences are in different areas. In an era where equal opportunity is the prevalent philosophy, community residents do not like to see children separated because of race, color, religion, or economic status.

4. The policy could result in labelling children as "dumb" or "deprived" on the basis of race. "Following" with Title I funds and services educationally disadvantaged students transferring because of desegregation from one school to another could stigmatize these children, on the basis of race, as "dumb" or "deprived." On the other hand, if an entire desegregated school is eligible for Title I funds because of the concentration of children from low-income families in its attendance area, then both minority and non-minority educationally disadvantaged students would have an equal chance to receive services.

5. The problem addressed by a "follow the child" policy is better handled through the Emergency School Aid Act. As already stated, federal funds are available under the Emergency School Aid Act (ESAA) to respond to the problem of how to meet the needs of educationally disadvantaged students attending desegregated schools. If desegregating school systems are receiving inadequate amounts of ESAA funds, then Congress should increase ESAA appropriations to solve desegregation problems.

6. A "follow the child" policy fails to address the multi-

plicity of factors which may alter eligibility and targeting each year. School districts receiving Title I funds must redetermine eligibility and targeting each year, using the latest available and reliable statistics on the distribution of children from low-income families. Desegregation is only one of many things which may affect the eligibility of schools for Title I programs. Just as desegregation can alter the concentration of low-income families in an attendance area, so may the closing of schools because of underenrollment or natural disasters; highway construction or urban renewal which changes the character of neighborhoods; changes in the economic composition of neighborhood resulting from residential movement; or the mere passage of time in stable neighborhoods where children graduate from school and relocate but their parents remain, with no influx of young families having school-age children. In the Education Amendments of 1974 Congress has already responded to this problem of abrupt changes in a manner which does not create groups of eligible and ineligible children within the same school: by extending the eligibility of attendance areas for two years in §141(a)(13) of the statute.

7. *Another way in which students might lose Title I services is the situation where more affluent children transfer into a previously designated Title I school pursuant to a desegregation order*. Very often, predominantly one-race schools are maintained with considerable excess capacity in order to preserve segregation, and desegregation plans may call for the reassignment to these schools of other children. Where this occurs and the receiving school was a

Title I facility but the incoming students were more affluent, the school may no longer qualify for Title I programs. A "follow the child" policy does not deal with this situation.

As these remarks indicate, the Federal Education Project has serious reservations about allowing Title I funds and services to "follow the child" and believes that the Emergency School Aid Act provides a better vehicle for addressing problems related to school desegregation.

It appears that the concern over the loss of Title I services due to desegregation is much more of a pre-desegregation worry among parents than a post-desegregation problem. As California's State Superintendent of Schools, Wilson Riles, stated in his September 27, 1977 testimony before this Subcommittee, this seems to be a transitory problem at best. Most newly desegregated schools receive ESAA funds and many of them continue to be Title I eligible schools as well, due to the tendency of school systems to exercise their option to select as many Title I eligible schools as possible for Title I services.

However, because we do not seem to have any figures indicating the number of children who have lost Title I services due to desegregation and whose needs are not being met by the ESAA program, we suggest that the National Institute of Education be mandated to make a comprehensive study of this problem, including numbers of effected children, and make recommendations to the Congress on a proposed solution should a significant problem be determined to exist.

I thank you for the opportunity to express the view of the Federal Education Project. I hope our comments are helpful to you.

Additional views of the Federal Education Project of the Lawyers' Committee for Civil Rights Under Law regarding the reauthorization of Title I of the Elementary and Secondary Education Act, submitted for the record of the hearing on Title I held on September 20, 1977 by the House Subcommittee on Elementary, Secondary and Vocational Education.

The Lawyers' Committee for Civil Rights Under Law, and especially the Federal Education Project, also has sought through various techniques to secure compliance with federal statutory and regulatory requirements which govern operation of the Title I program. An important theme of my testimony before this Committee today concerns the need for continuation in the legislation of mandatory Title I funding restrictions which bar discrimination in the distribution of state and local resources to Title I project areas and students. Because we remain firmly committed to the proposition that Title I must continue to focus services on educationally disadvantaged children from poor areas, we support retention of these fund allocation limitations coupled with a rational but strict federal enforcement scheme. To illustrate the significance of federal non-discriminatory fund allocation requirements and the consequences of failure to enforce certain of these provisions [1], we will review our experiences associated with recent attempts to achieve compliance with the Title I anti-supplanting prohibition in Richmond, California.

The Lawyers' Committee has on many occasions successfully represented low-income children and their parents in federal litigation to enforce various Title I statutory requirements. Through

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1/ See report published by the National Institute of Education, Administration of Compensatory Education, September, 1977 at 37 which indicates "overall efforts to monitor and enforce (the Title I supplement not supplant) provisions have declined."

their local counsel Billie and Barbara Alexander [2] contacted the Federal Education Project to request assistance concerning violations of Title I law and regulations in the Richmond school district. In response to this request Federal Education Project staff attorneys joined the legal team representing the Richmond parents. On September 16, 1976, these parents filed suit against federal, state and local education officials challenging, among other issues, the legality of the funding scheme used to allocate and distribute state and federal compensatory education funds in Richmond. Under this distribution procedure, Richmond combines Title I dollars with state compensatory funds into a single pool of money from which an equal allocation is made to each student eligible to receive services under either Title I or state supported compensatory education programs. Specifically, the suit alleges that the district's allocation procedure allows school officials to reduce the amount of state compensatory aid which would otherwise be provided for the benefit of Title I students because of the availability of Title I funds. By this method of distribution, the Title I parents complained, Richmond used federal funds to replace rather than supplement state resources in

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2/ Over a period of approximately twelve (12) years, the Alexanders have participated in numerous educational activities associated with the Richmond Unified School District. Since 1972, both have been particularly active in the parent involvement component of the Richmond Title I program serving as members or officers of the school and district level Title I advisory councils.

violation of the anti-supplanting clause of Title I.

In briefs filed with the court, we explained the basic purpose and function of the supplanting prohibition, which like other Title I fund allocation requirements, was designed to discourage state and local governments from withdrawing their own resources which would otherwise be expended to help meet the needs of Title I students and diverting these funds to other purposes. Since the basic goal of Title I is to provide extra, compensatory services to a limited number of educationally needy children in poor areas, the supplanting provision helps ensure that adequate funds will flow to these underachieving students.

In enacting Title I as a categorical aid program to provide funding for special services for children having difficulty progressing in school, Congress did not place the full force of the federal government behind a particular method of education. The lawmakers deliberately avoided creation of a legal framework which is unnecessarily restrictive with respect to the design or effective delivery of educational services. Rather the Title I legislation left to local schools the decision as to what education methods should be used in improving educational opportunities for children achieving below grade level. However, as we pointed out to the court, the act does contain administrative procedures as well as evaluation and reporting requirements to guarantee that, whatever education methods were employed, federal financial assistance will be focused on educationally deprived children attending schools serving high concentrations of low-income pupils. [3/] The Congressional Declaration of Policy, Sec. 101 of the Title I statute, emphasizes this legislative purpose.

After a thorough consideration of competing concerns and a series of legislative amendments [4/] which refined the statutory and regulatory requirements, Congress placed certain restrictions on the use of Title I monies to guarantee that Title I students are not penalized in the application of state and local base resources and continue to receive their fair share of services from these sources before additional services are purchased with Title I aid. In addition to the supplement not supplant requirements, these fund allocation restrictions include the equitably provided, comparability and excess cost provisions. Each of the non-discriminatory fund allocation provisions reflects an important Congressional policy favoring the use of federal funds to achieve a specific purpose for an identifiable group of students--those attending schools serving large numbers of students from below

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[3/] See Senate Report No. 91-634, (1970) U.S. Code Cong. and adm. News at 2775.

[4/] For example, Congress in 1970 adopted, among various other amendments to the Act, the express non-supplanting clause found in 20 USC 241e(a)(3)(B). See Senate Report No. 91-634 commenting on the purpose of these provisions at 1970 U.S. Code Cong. and Adm. News, 2781-2782. In 1974, Congress adopted the excess cost amendment to further clarify the purpose for which a local school district might receive a grant under the Act. House Report No. 93-805 includes a discussion of these amendments. (1974 U.S. Code Cong. and Adm. News 4108-4109.

poverty level families. Thus Congress set a national policy mandating that the limited [5] Title I funds to be used to supplement state or local resources which, in the absence of federal assistance, would be available for the benefit of Title I students. This method of adding grant funds to otherwise available funds is sometimes referred to as "layering" the grant funds "on top of" the otherwise available monies. Clearly, Congress recognized that requiring Title I funds to be layered on top of non-federal resources, as Title I parents urged in the Richmond suit [6], meant serving fewer students with more money. But with-

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5/ Since its inception in 1965, the Title I program has consistently been underfunded. Consequently, insufficient funds are available to finance comprehensive programs for all Title eligible areas and children throughout the country. The FY 1977 appropriation for Part A, for example, was $2.285 billion, less than half of the Congressional authorization level. This funding situation underscores the need to monitor and enforce federal funding restrictions which help guarantee that Title I funds are used in a supplementary manner to expand and improve the educational opportunities for the program's beneficiaries. In this regard, the NIE report published in September provides ample justification for retention of the supplement not supplant provision and other Title I funding restrictions. After investigating the history of administration of the Title I non-supplanting requirement, the authors of the NIE study identified two factors which represent persuasive arguments in support of more vigorous enforcement of Title I fund allocation provisions. First, as the report notes "(s)tate and local governments historically have neglected the educational needs of children from poor areas." Moreover, the NIE report makes clear that "there are strong incentives at work to dilute services to (Title I eligible) children and to use the money for more general aid purposes." (*Administration of Compensatory Education*, September, 1977 at 37).

6/ The brief filed by the Department of Health, Education and

[Footnote 6 continued on next page]

out the supplanting prohibition and other Title I funding safeguards, Congress' desire to avoid dilution of services and focus available educational assistance on students most in need is placed in serious jeopardy by withdrawal of state or local aid.

Nevertheless, by ignoring the federal non-supplanting requirement, Richmond is able to use Title I money to pay for basic educational services for which operational funds from state or local sources should be expended. State funds are made available in Richmond under a compensatory education program generally referred to as SB 90/EDY. Unlike the Title I program which employs a poverty-related standard to select schools eligible to participate in the program, California's administrative procedures require that each district rank its school attendance areas according to educational need as determined by students' scores on statewide standardized tests. SB 90/EDY funds are then distributed among each district's schools in order of rank. For the 1976-77 school year, state guidelines established a minimum and maximum amount of compensatory aid from all sources which could be spent by school systems on each eligible student. Within the $350 to $500 per pupil expenditure range, Richmond set its figure at $400 per pupil.

[Footnote 6 continued]

Welfare supported the parents' claims that state funds should have been allocated first with federal Title I funds layered on top, so that available educational assistance would be concentrated in Richmond's neediest students.

Instead of distributing SB 90/EDY funds to meet the $400 figure, Richmond combined its SB 90 and Title I funds, and some Title I schools and students were denied state compensatory aid to which they would otherwise be entitled if the existence and distribution of Title I were not taken into consideration. On May 18, 1977, the federal district court upheld the non-supplanting principle by awarding judgment to the Title I parents on this issue. The court ruled that Richmond's method of mixing state and federal compensatory funds and the manner in which the district allocated and distributed state compensatory aid to Title I project areas violated the non-supplanting requirement of the federal law.

After reviewing the pertinent facts and legal authority, the court concluded: "(w)ithout question a number of Richmond children eligible for (state compensatory) aid are penalized in the sense that they receive less from that program than they would receive from it in the absence of federal Title I funds." (See *Alexander* v. *Califano*, C-76-1482 WWS, (N.D.Cal.)(Order granting partial summary judgment; May 13, 1977)[7].

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[7] There have been a series of important developments in the *Alexander* case following issuance of the court's decision. In a letter to all counsel dated July 26, 1977, state defendants submitted the first draft of an instruction letter entitled "Alternatives for Dealing with the Partial Summary Judgment of *Alexander* v. *Califano* Court Case Relative to the Supplanting Issue." This letter attempts to outline a comprehensive statewide regulatory

[Footnote 7 continued on next page]

Richmond was able to stretch its SB 90 money among a larger number of non-Title I schools by spending small amounts of state aid in Title I schools and using Title I funds to replace state compensatory funding in them. 8/

[Footnote 7 continued]

scheme which, if properly structured and administrered, would eliminate all violations of the federal supplanting prohibition. Our comments prepared in response to this draft proposal have identified serious deficiencies associated with these alternative funding proposals; but we believe that development of the several funding options presented constitutes convincing evidence of the flexibility inherent in the Title I legal framework.

At the federal agency level, USOE notified the State of California in letters dated July 25 and August 3, 1977 that without additional information concerning steps the state has taken to assure compliance with Title I's regulations, California's annual Title I program plan could not be approved. The July 25th letter to California officials identified several key indicators which made clear the need for federal compliance enforcement. Despite overwhelming evidence of California's non-compliance with the federal non-supplanting requirement and its long history of opposition to efforts to correct this abuse, OE authorized release of the 1977 Title I grant award to California without any meaningful attempt to insure that these funds would actually be used for supplementary programs for educationally disadvantaged children from poor areas. We agree with NIE's conclusion that OE's management of Title I has left state and local school districts "increasingly unsupervised in the use of Title I funds." Administration of Compensatory Education at vi .

8/ In discussing this state approved funding mechanism on September 27, 1977 in testimony before the House Subcommittee on Elementary, Secondary and Vocational Education, California State Superintendent Wilson Riles defended the use of such devices as necessary to assure some degree of equity in the distribution of both state and federal compensatory education funds to eligible students." Dr. Riles made no mention of the fact that the means used to achieve this goal impact most severely on those least able

[Footnote 8 continued on next page]

We have prepared a simple chart which graphically illustrates the funding disparities created by Richmond's distribution procedures. (I will be referring to this chart throughout this portion of my testimony). To simplify our discussion here we have limited our comparison of current allocations of EDY and Title I funds for Title I eligible schools and schools funded exclusively from non-federal sources to a representative sample of public schools in the Richmond district. However, we have completed a thorough analysis of these factors as they relate to all Richmond schools participating in the federal or state compensatory programs during the 1977-78 school year, and we would be happy to present this information to the Committee for the record if it so desires.

A cursory inspection of the funding chart on page 10A quickly reveals that under the present allocation system Richmond's non-Title I schools receive an average of approximately 3 to 4 times the amount of EDY funds available per EDY served pupil compared with Title I schools. Even with combined funding from both the federal and state compensatory programs, many Title I schools fall

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[Footnote 8 continued]

to afford the sacrifice. Under the California system, poor, underachieving students in Title I eligible attendance areas are compelled to contribute a significant portion of their share of state compensatory funds to their more affluent peers to satisfy a state policy which, as administered in California is incompatible with the overriding purpose of the federal Title I legislation.

TABLE 1*

Present Allocations of Funds to E.D.Y. Children in Some Richmond Title I Eligible Schools

Title I School	Participating Pupils	EDY (SB 90) Allocation	Title I Allocation	EDY Per Pupil	Title I Per Pupil	EDY Plus Title I Per Pupil
Verde	92	$ 9,638	$ 25,892	$104.76	$281.43	$386.19
Cortes	144	15,087	44,407	104.77	308.38	413.15
Peres	305	31,955	24,109	104.77	79.05	183.20
Nystrom	352	36,879	103,596	104.77	294.31	399.08
Lincoln	357	37,402	109,221	104.77	305.94	410.71
Coronado	230	24,097	68,796	104.77	299.11	403.88

Present Allocation of Funds to E.D.Y. Children in Some Richmond Non-Title I Schools

School **	Participating Pupils	EDY (SB 90) Allocation	EDY Per Pupil
Vista Hills	77	$ 29,346	$381.12
Fairmede	185	71,087	384.25
Wilson	239	113,871	476.45
Grant	281	133,881	476.44
Rancho	150	71,467	476.45
Alvarado	132	62,891	476.45
Balboa	65	30,969	476.45
Riverside	171	81,471	476.44

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* The total E.D.Y. (SB 90) and Title I allocations were taken from the Consolidated Application for Funds for Educational Programs, Part III, School Funding Levels. Per Pupil amounts were calculated by dividing total dollar amounts by the number of eligible pupil participants. This last figure was taken from the April 20th memo by George Griset, Director of Special Projects Fiscal Services of the Richmond School District (Q_1Q_2 Pupils; Project Participants).

** Excludes receiving schools which receive project participants from other eligible Title I project areas. The five schools, Castro, Del Mar, Kensington, Kerry Hills, and Tara Hills received $2,418; $2,340; $3,081; $1,989; and $1,950 respectively, for a total allocation of $11,777.

far short of the per pupil expenditure levels achieved in non-Title I schools. For example, in Peres school, the third highest ranked Title I school based upon incidence of poverty, students receive $183.20 per pupil from combined state and federal compensatory education funding sources, while Wilson and four other lower ranked EDY schools receive about $476.45 solely from the state SB 90 program. As clearly appears from the figures listed in Table 1, Richmond uses Title I monies to increase the funds available to EDY only schools.[9]

The information which I have presented today involving funding disparities within the Richmond school district should be evaluated within the context of corresponding differences among students in educational achievement in this school system. A recent survey of education related factors in the Richmond District indicated that about 41.9 percent of the approximately 35,780 pupils attending public school are members of racial or language minority groups. Black youngsters represent 31.8 percent of this overall percentage. At Verde, a predominately Black elementary school which--like each of the other 5 Title I schools listed in Table 1--ranks at the top of the Title I poverty related scale each year,

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9/ Compare State Superintendent Riles' statements concerning the funding approrach which he claims allows school officials "to match the needs of disadvantaged students with an appropriate level of resources and avoid . . . allocations which are excessive or insufficient." See Statement by Wilson Riles, submitted as testimony before the House Subcommittee on Elementary, Secondary and Vocational Education on September 27, 1977.

standardized reading test scores for sixth grade students indicated that the school ranks in the 27th percentile. Similarly, in language, spelling and mathematics, aggregate test scores of sixth grade Verde students produced schoolwide rankings of 7, 44 and 14 percent respectively.

Yet test scores for Richmond students in non-Title I schools during this same period did not suggest severe educational deficiencies. In fact, sixth grade reading scores at Kensington school, which operates a small Title I program for transfer students but does not enroll large concentrations of poor children boosted the school into four 94 percentile rankings. Student test scores in language, spelling and mathematics account for Kensington's 84, 89 and 95 percentile rankings in these areas. This contrast in achievement test score results for children attending public school within the same district points out the basic premise the Title I program and the theory underpinning the Richmond lawsuit, which is that students have diverse needs which require differing amounts and kinds of resources.

Richmond, California serves as a case study of a school district operating a Title I program with an exemption (albeit self-proclaimed) to the federal anti-supplanting prohibition. Events in this school system clearly demonstrate that if present Title I funding restrictions were relaxed or eliminated, local school districts would decrease current levels of state and local aid in schools serving the class of students Title I is intended to benefit. Failure to re-enact and enforce these anti-discriminatory funding provisions would destroy the categorical nature of the Title I program and distort the federal-state relationship by allowing school districts to become too heavily dependent upon federal assistance for basic services.

Parent Involvement Issues

Another issues we are litigating, in Richmond, California involves illegal restrictions imposed by the state and local educaton agencies on parent advisory council membership and operation. The Richmond policies, originally adopted by the school board on February 25, 1976, give the school board the power to select members of the District Advisory Council (DAC), limit the simultaneous membership of a husband and wife on the DAC or individual School Advisory Councils (SAC), and also set a three year limit on length of membership. Title I parents in Richmond view these DAC membership policies as improper interference with parents' rights guaranteed under the Title I law and evidence of a district practice of harassing, intimidating, and retaliating against Richmond advisory council members who oppose decisions, plans and policies adopted by the local school officials. Despite clear Congressional intent expressed in the federal law and regulations authorizing broad participation by parents and a USOE ruling of September 1, 1976, which clearly supports this position, school officials in California continue to claim that they may place any additional locally devised restrictions upon eligibility of Title I advisory council membership. In fact, the California State Department of Education proposed an amendment to its administrative regulations entitled "State Policy Relating to Title I DACs, IACs and SACs." Enactment of this amendment would have directed each local California school district to establish and adopt membership procedures which clearly define the "length of time individuals may serve" as well as the "length of office for officers" of both the Title I district and school advisory committees.

After the California State Board of Education refused to adopt the proposed amendment as a statewide regulation, the Department of Education issued administrative recommendations on March 4, 1977 concerning the selection of Title I district and school advisory committees (See memorandum attached). The state directive urges each school district board of education to seriously consider adopting appropriate policies and procedures that specifically address such issues as length of time individuals may serve and length of term of office for officers of Title I advisory committees.

The California federal district court had ordered all partes to the suit to attempt to negotiate and resolve these and other parent involvement issues. If settlement is not forthcoming, the court has scheduled a formal hearing on these issues in December, 1977.

Through our continuing efforts to provide legal and technical assistance to Title I parents, we have been made aware that the California situation is only an example of a growing trend among state and local educational agencies to limit or circumscribe advisory council membership and operation. Under federal regulations, the only restriction upon membership on the district and school advisory councils is the requirement that DAC members be residents of the school district and SAC members be residents of the particular school attendance area, 45 CFR §116a.25(d).

While 45 CFR §116a.25(d) does direct school districts, after consultation with their district advisory councils, to "establish appropriate procedures" for the nomination and selection of parents to the DACs and SACs, such procedures concern only the mechanics of selection--not eligibility--and must "not preclude or discourage participation by all parents in a project area in the selection of council members." (See Preamble to Title I regulations 41 Fed. Reg. at 42901, ¶14). Nevertheless, school officials in many cities have gone beyond this mandate. In one city, school district officials issues a directive, without prior review or approval of Title I advisory council members, that restricts DAC officers to a one year term. The obvious impact of the DAC membership restriction is to increase the advisory council's dependence upon school officials, limit the group's effectiveness and autonomy, and establish a "revolving door" policy for DAC representation. Annually the DAC leadership will be replaced with a new, inexperienced slate of officers, and every other year a significant portion of the general council membership will reshuffled to include more parents who may lack prior knowledge of the Title I program. Rather than strengthening parent involvement in the Title I program, a direct effect of a maximum term limitation provision is to disqualify parents from further participation just as they have begun to grasp the details of the program and its legal complexities. A DAC, functioning under these harsh membership restrictions will be hard put to maintain the continuity necessary to achieve meaningful and effective involvement.

While the Office of Education has taken some positive steps in regard to the illegal restrictions being imposed by the state of California on advisory council membership, we believe it is essential for OE to reaffirm its interpretation of the precise scope of school officials' authority to impose any additional eligibility requirements. On October 3, 1977, we wrote to the Commissioner of Education to inform him of the non-compliance difficulties that have been brought to our attention.

Training and Information Needs of Parent Advisory Councils

Another area of serious concern about the quality of parent involvement in the planning, implementation and evaluation of Title I projects is the provision of training and information to PAC members. Based on the numerous requests we receive from PAC members for information and assistance, we can state that while there are examples of school districts in which active parent involvement is a valued part of the Title I program, many councils are not receiving appropriate support from LEAs to ensure their effectiveness.

In spite of regulatory provisions for training and information for PAC members, they frequently encounter extreme difficulty in obtaining certain types of information and approval for relevant training activities of their choice. We have found that adequate training and access to information for PAC members are of key importance to their effective functioning.

We believe that the present Title I law, regulations and legislative history show that Congress intended Title I to include a meaningful role for parents in all phases of the program, from selection of project goals and design, to the implementation and the evaluation of its success. Congress further intended that parents select their own representatives to carry out this mandated role under an operational structure created by the selected members themselves. However, given the range of misconceptions held by many state and local school officials regarding the scope of their authority over PAC membership and operation and their obligations to provide PAC members with appropriate training materials, orientation and access to appropriate information, the law should be amended so as to guarantee a better opportunity for effective parent involvement.

We believe the following recommendations would help to eliminate many of the types of problems we know Title I PACs now encounter:

1. The cornerstone of the current mandate for parent involvement in Title I is the belief that giving parents a meaningful role in the education of their children will achieve better educational results. Knowledgeable about the educational needs of their children as well as the goals of the program designed to meet those needs and the educational methodologies that are employed, parents can provide greater support in the home for achieving the program's objectives and complement what the school is able to provide. By bringing parents, teachers and administrators together, opportunities for mutual cooperation, understanding and development of an educational partnership are increased. However, parent advisory councils also serve a vital monitoring function, particularly given the absence of any comprehensive oversight and enforcement by State Education Agencies (SEAs) and OE. These are both reasons why Congress has mandated parent involvement at the planning, implementation and evaluation stages of Title I.

Because of the specific goals associated with Title I parent involvement, it follows that the Parent Advisory Councils should consist primarily of parents of Title I children. In order to maximize their effectiveness in serving their multi-purpose function we recommend that 75 percent of the members of each PAC be parents of children who are served by a Title I project and who are elected by parents in the school attendance area being served. These elected members should then select the remaining 25 percent of the PAC. After the size of the district-wide PAC has been determined, School Advisory Council members should elect representatives to serve on the District Advisory Council.

2. Our experience has shown that the quality of parent involvement in schools around the nation varies considerably. In some school systems, parents are encouraged and their involvement is facilitated by conscientious school officials who do not feel threatened by the presence and participation of parents in the educational process. However, other school officials have frustrated effective parent involvement by setting up roadblocks that prevent parents from ever getting their councils organized and functioning. We believe that by prescribing a minimum of of nine PAC meetings a year, the first of which must take place no later than the second month of the school year, a two-year term of PAC membership (with no more than half of the PAC being re-elected at the same time); and a minimum size for councils of no less than 10 members, the effective operation of many PACs will be enhanced.

3. Once members to the PAC have been elected, the PAC should elect its own officers.

4. In order to assure that PAC members receive the appropriate training materials and orientation called for by the current regulations we recommend that Local Education Agency (LEA) applications include a description of the training program that will be provided to PAC members and an assurance signed by the Chair of the DAC that the training program has been developed in full consultation with its members. Such a training program should include, but not be limited to at-

tendance by PAC members at local workshops and state, regional and national Title I training related meetings.

5. The U.S. Office of Education should prepare and disseminate to all PACs a Title I manual, written in plain and simple language, for use by parents and other concerned groups and individuals. NIE's recent report, Administration of Compensatory Education, makes clear that one of the major deficiencies in OE's administration is its lack of information dissemination. An important recommendation of the report suggests that "Congress should require that OE prepare a policy manual for use by OE staff, HEW Audit Agency staff, SEAs, LEAs and parents. While we endorse this recommendation wholeheartedly, we believe that such a manual must be written in language that parents and lay citizens can fully understand. To be useful to parents, the policy manual must be written with them in mind as the target audience. Therefore, in order to meet the needs of federal agency staff, LEAs, SEAs, parents and citizens, it may be necessary to produce two types of publications. The manual for parents should include:

a. relevant sections of the Title I statute and the General Education Provisions Act,
b. relevant regulations appearing in the Code of Federal Regulations,
c. explanations of the purpose of each requirement with appropriate reference to the legislative history,

d. summaries of OE responses to State Education Agencys' requests for interpretations, including hypothetical fact patterns demonstrating acceptable and improper application of standards set forth in the regulations,

e. model application forms, application review checklists, and monitoring instruments,

f. summaries of final decisions rendered by the HEW Audit Hearing Board,

g. final determinations made by OE concerning audits closed without reaching the Hearing Board,

h. summaries of relevant court decrees, and

i. procedures by which parents and citizens may file complaints with the federal government.

The Manual should be published no later than six months following the issuance of final regulations for Title I as reauthorized. Further, it should be updated periodically to reflect any changes in the legislation, regulations or policy directives affecting Title I.

6. There is other information that PACs must have aside from the federal government's policy manual in order to fulfill their mandated role. The law now requires school districts to provide PAC members "with access to appropriate information concerning such (Title I) programs and projects." The regulations go on to specify the type of information to which PAC members as well as the general

public should have access. Each PAC member must be furnished with the Title I Act, the federal Title I regulations, guidelines and criteria as well as State Title I regulations and guidelines. Furthermore, each PAC must be provided with the LEA's current Title I application, past applications and evaluations. In addition, all citizens must, upon request, have all necessary reports and documents made available to them by the LEA.

Neither the statute nor the regulations stipulate that such information must be provided at no cost to citizens or individual PAC members. The regulations only state that provisions must be made for the reproduction of such documents free of charge or at reasonable costs.

The Federal Education Project has found that allowing school districts to charge PAC members and citizens for basic Title I information services limits the ability of these persons to obtain access to materials. We therefore recommend that LEAs should provide at least one free copy per advisory council of the following documents, for use by all members of the council:

a. the LEAs' current and past project applications and amendments,

b. the annual evaluation report from the previous year,

c. comparability reports, including the worksheets,

d. worksheets used to designate project areas, and

e. the district's budget and other reports explaining the LEA's system for distributing services. Additional copies of these materials should be provided for individual PAC members and the public either free upon request or at a charge of no more than 5 cents per page. The regulation's current stipulation that these materials be provided at a cost "not to exceed the additional costs incurred which are not covered by Title I funds" has lead to unprovoked harassment, outrageous charges and a denial of the public's right to review such information. These instances of non-cooperation could be eased by having a definition of "reasonable charge" in the law itself. We recommend that "reasonable charge" be defined as no more than 5 cents per page.

7. In order to assure that PACs have been involved in the planning of the Title I project and have had access to information used to assess the needs of educationally disadvantaged students, we recommend that the LEAs application include the PAC comments concerning the Title I application, including dissenting views.

8. Many well meaning school officials are simply inexperienced and at a loss as to how to communicate and work with parents, particularly minority and low-income parents who may feel alienated from the educational institution. In order to assist school officials and parents with this mutually acknowledged difficulty, we recommend that OE sponsor regional workshops each year for local Title I officials on techniques for facilitating parent involvement and interaction with the PACs. PAC members and education ad-

vocacy organizations should be involved in the planning and conducting of these workshops. This vital technical assistance could go a long way toward identifying and eliminating problems before they escalate into serious conflicts.

9. And finally, we recommend that the appropriation for Title I contain a set-aside for the provision of grants to establish model training programs for PAC members. Half of these grants should go to the National Institute of Education and half to non-profit organizations. A portion of these funds should be reserved for nation-wide dissemination of materials based on the most successful models.

Administration, Monitoring and Enforcement

As briefly mentioned earlier, the NIE report on the administration of Title I confirms our view that the major weakness of the Title I program is its administration, not its goals or its legal restrictions and requirements. Many current enfractions of the law and confusion or misunderstanding at the state and local levels could be eliminated by the development of a coherent and logical system of administration, monitoring and enforcement at each level of government responsible in some way for Title I. For such a system to work effectively, each responsible entity must be given clear information that delineates precisely what its responsibilities are, including necessary guidance on how to carry them out.

We have given considerable thought to the whole area of administration, monitoring, enforcement and sanctions, and consulted extensively with other educational public interest groups, staff of the Office of Education, researchers and parents of Title I children. It is clear that vague standards and lack of information and technical assistance have resulted in limited Title I enforcement that is unevenly applied throughout the approximate 14,000 LEAs receiving Title I funds.

In response to this illogical and unpredictable scheme of administration and enforcement, we have developed a comprehensive administrative structure. If implemented at the federal, state, and local levels, as proposed, this plan would establish a uniform, federal compliance scheme which would reduce problems of noncompliance at the local level; expedite the resolution of complaints, program violations and fiscal irregularities; and impose reasonable sanctions against persistent offenders.

These proposals fall into three areas of activity: the pre-expenditure or application approval process, on-going monitoring of and reporting on program implementation, and post-monitoring compliance enforcement and leveling of santions. Today I will briefly outline our proposals, but I am requesting that the detailed recommendations and rationale we have developed be included in the record of this hearing. We would also be glad to discuss these proposals more fully should you have any questions about them.

For purposes of discussion, I will describe our proposals as they fall into three general categories: a pre-expenditure phase, on-going monitoring and reporting, and sanctions. However, these recommendations together comprise a well-integrated plan of administration and enforcement of compliance with Title I, so each of the three phases of activity are interconnected.

Part A is the Pre-expenditure Phase

Each year the state is required to submit to the Commissioner an "annual program plan" containing a series of assurances or promises. A recent HEW study observed that "(s)ince SEAs submit only assurances in Title 1, there is no application review in the normal sense of the word. Therefore, pre-expenditure control is limited at the Federal level." (The DHEW Sanction Study at p.48 (January, 1977)).

Improved pre-expenditure control at the federal level would uncover problems before monies flow and thereby reduce the number of instances in which OE must later initiate action to recoup misspent funds.

We therefore recommend that the Title I statute be amended to require states to submit an annual program plan which includes four categories of information: (1) assurances, (2) copies of state policies and procedures, (3) monitoring and enforcement plans for the upcoming year and (4) documents specifying actions taken during the previous year.

We also recommend that the Commissioner be required to review the annual program plans submitted by the states and make written findings specifying the extent to which state policies and procedures satisfy the relevant Title I requirements. [Congress recently imposed a similar requirement for written findings by the Commissioner for approval of the annual program plan for vocational education. See §109(a)(2) of the revised Vocational Education Act (Appendix B)] We have also seen a considerable amount of positive enforcement activity as a result of the pre-clearance review of Emergency School Aid applications by the Office for Civil Rights. Both of these programs demonstrate the utility of preventive compliance efforts.

Another type of pre-expenditure control can be exerted by the SEAs in their process of approving LEA applications. SEAs should determine whether results of past Title I program evaluations are reflected in designs contained in the current project application. It is neither cost effective nor efficient to continue to fund programs that have repeatedly demonstrated failure. When an LEA application continues to include a program design which has proven ineffective, the SEA should require the LEA to revise its educational strategies and resubmit the application.

Part B includes recommendations for on-going monitoring and reporting functions at each level of government responsible for implementation of Title I

1. Even though the Federal Education Project is involved in Title I litigation, we believe that it is a last resort means of

achieving compliance with the law and that it is essential to develop and pursue less time consuming and costly resolutions of problems.

Therefore, we recommend that a new section on Complaint Resolution be added to the Title I statute. This new section should not only clarify OE's responsibilities, but also the responsibility of LEAs and the SEAs. Complaint resolution mechanisms should be established at all three levels of government. These developed procedures should be written, disseminated to the public and include firm deadlines for each step in the process.

2. NIE's recent report on Title I Administration describes the wide variation that exists in the quality of state level administration and enforcement of Title I. Some states clearly play a very passive role in providing educational leadership, technical assistance or information to LEAs and, similarly, do a poor job of monitoring and enforcing Title I implementation at the local level. In others we find strong state departments of education that have developed the administrative expertise to carry out their responsibilities.

However, states' responsibilities are not now clearly defined, nor is their authority. We therefore recommend that the amended Title I statute require the Commission of Education to establish minimum standards for SEA monitoring and the audit resolution process and that SEAs then establish and disseminate written procedures for these two functions which are not inconsistent with the federal minimum standards.

3. States, not the federal government, have primary responsibility for education. Also, they have closer working relationships with the LEAs and should have the capacity to provide the assistance LEAs need to properly implement Title I. This proposal recognizes that in order to adequately fulfill their monitoring and enforcement functions under Title I, SEAs may require additional administrative funds. We recommend that the Commissioner be authorized to pay states an increase in administrative funds, not to exceed 25 percent of their authorized Title I administrative funds, only if such funds are used exclusively for the purposes of monitoring, audit resolution, enforcement and other activities directly related to enforcement of Title I requirements. States applying for such additional funds should specifically describe the intended use of these funds in the annual program plan submitted to the Commissioner.

4. Federal level responsibilities for monitoring and reporting should also be specifically delineated in the Title I statute. A separate section should be added to the statute which requires (a) that OE conduct at least an annual on-site visit of each SEA; (b) that OE make written findings based on each visit specifying (1) the probelms noted in administration of the program at the state level and (2) local school districts visited wherein deficiencies in the design of programs or violations of LEA program requirements were noted and take these findings into account before

approving future state annual program plans.

5. The current Title I statute is silent about the Commissioner's responsibilities concerning audit resolution. A new section specifying OE's responsibilities to resolve Title I audit findings should be added to the statute. The amendment should require the Commissioner to promulgate regulations establishing:

(a) each step of the audit resolution process, including firm deadlines for each step;

(b) the responsibilities of each OE division, including the Title Audit Hearing Board, for audit resolution, and

(c) a description of the process used to recoup misspent funds.

By requiring OE to develop an audit resolution and funds recoupment process, with time tables, the disgraceful record of OE's enforcement recently exposed by NIE, will not be repeated.

6. Another part of this proposal which helps to assure that OE is carrying out its monitoring and enforcement responsibilities, is the recommendation that OE be required to submit a comprehensive annual enforcement report to the Congress. The report shall contain at least four major categories of information: Annual Program Plan Approval, Monitoring, Audit Resolution and Complaint Resolution. This report will demonstrate, on a yearly basis, whether or not OE is doing its job and what types of difficulties exist within the Title I program. The details of this proposed reporting scheme are included in the full statement we would like to provide for the

hearing record.

Part C. includes recommendations for sanctions against state and local education agencies which refuse to comply with Title I's legal requirements

1. As NIE has recently document, SEAs have varying views on their authority to withhold Title I funds for violations other than non-comparability. Acknowledged state withholding authority is also implemented in various ways. To create a uniform standard of authority and enforcement at the state level, we recommend that the Title I statute be amended to require SEAs to refuse to approve applications from LEAs when

(a) federal or state administrative reviews or audits demonstrate a lack of compliance with Title I requirements and

(b) the LEA has not corrected such violations by the time it submits its project application to the SEA.

Existing rights to notice and hearing under Section 425 of GEPA would remain intact.

2. In order to make this recommendation workable, the statute would also have to require states to respond in writing within a specific time frame to OE monitoring reports that contain findings of non-compliance. They would be required to either describe the corrective actions that will be taken to remedy problems noted in the report or refute the report's findings. Within a specified time after receipt of the state's written response, OE must indicate

in writing to the state (a) whether the proposed modifications or actions are sufficient to remedy the problems noted in the OE program review or (b) its position with respect to the state's contentions concerning the report's findings. If a state fails to respond within the time period, OE should assume that its findings are accurate and issue an order directing the state to respond to why further payments, or a portion of further payments, should not be withheld until the problems are corrected. (We recommend that thirty (30) days be specified as the response time frame referred to in each step above) . If the state fails to respond to the order within 10 days, then OE should promptly issue a notice of noncompliance and initiate proceedings to withhold further payments or a portion of further payments.

3. Any funds that are withheld should not be released until the Commissioner and the state have entered into a compliance agreement. For purposes of this title, a compliance agreement should be defined as an agreement between the Commissioner and the state or local school district which sets forth the terms and conditions with which the state or local school district has agreed to comply to satisfy the requirements of Title I or GEPA and regulations promulgated thereunder. Such agreement should cover all the matters which concerned the Commissioner's findings and which would constitute failures to comply. These requirements are similar to those found in Section 122(d) and (e) of the general revenue sharing program, (the State and Local Fiscal Assistance Act of

1972, as amended in 1976).

4. The Commissioner now has the authority to withold an SEA's Title I grant after (a) the SEA has been given "reasonable notice and an opportunity for hearing" (Section 146) and (b) the Commissioner has found "that there has been a failure to comply substantially with any assurance set forth in the application of that State . . ."

However, the statute does not specify what the Commissioner's finding must involve. We recommend that Section 146 of Title I be amended to clarify that a review by the Commissioner of the results of federal administrative reviews and audits and other available information which indicate that it is more likely than not that the State or local school district has failed to comply with the requirements of Title I or gepa or regulations promulgated thereunder, constitutes a finding.

Again, the recent amendments to the general revenue sharing legislation, imposed a similar "more likely than not" standard on findings by the Secretary of the Treasury. (See §122(c)(4) of the State and Local Fiscal Assistance Act of 1972, as amended in 1976).

5. The Title I statute (Section 146) presently authorizes the Commissioner to withhold Title I funds when there has been "a failure to comply substantially with any assurance . . ." We recommend that it be amended to also authorize the Commissioner to withhold a portion of the state's payments, including a portion

of the state's administrative funds. In conjunction with this sanction against noncomplying states, we recommend that Title V of ESEA be amended to give the Commissioner discretion to withhold Title V funds.

6. Regarding the recoupment of misspent funds, we recommend that the law specify that misspent monies are to be repaid by the state. Section 143 of Title I and Section 435 of GEPA now could be construed to permit repayment to be accomplished by merely reducing future Title I payments, thereby penalizing the program's intended beneficiaries.

CONCLUSION

While we have offered many recommendations for the improved operation of the Title I program, I want to stress that we believe that the goals, philosophical thrust and basic structure of the program are sound and producing positive results.

The initial record of Title I in reversing the educational effects of poverty and discrimination was indeed disappointing. However, well documented research efforts of the Washington Research Project and others, and the 1970 Congressional review of the operation of Title I during the fiscal years 1966-69 show conclusively that the concept of compensatory education was not being given a fair trial; its requirements were ignored and the funds were essentially used as general aid.

Inquiries by the Office of Education substantiated complaints by individuals and organizations concerned with the educational needs of poor and minority children. They revealed serious deficiencies in program administration and abuses of federal policy requirements of the law including the supplanting of funds, excessive use of Title I funds for capital outlay purposes, use of Title I funds in non-target areas, use of Title I funds to serve the general needs of schools rather than special needs of children, improper restrictions on the public disclosure of Title I project information to the public and inadequate participation by local citizens from target areas in the administration of local Title I programs.[10]

Since 1970 we have seen increased involvement by the Office of Education in monitoring and evaluating Title I programs and more significant participation by parents of Title I students. The Office of Education's 1975 Annual Evaluation Report on Education Program and other recent research demonstrates that Title I can now be judged "a national success."[11] Analyses of data from State Educational Agency Title I reports from school years 1968-69 through 1973-74 and interviews with state Title I officials show that Title I students make average monthly gains in reading achievement of 1.1 months.

The history of Title I, its goals and purpose and more recently documented successes, indicate that now is not the time to make any major changes in the law. Even with the minimal oversight, monitoring and enforcement and continued inadequacy of information dissemination by the Office of Education, many state and local school officials have developed considerable expertise in administering Title I.

The present requirements of Title I are necessary to insure

10/ See, for example, Title I ESEA: Is It Helping Poor Children, November 1969, published by the Washington Research Project and Senate Report No. 90-634, pp. 2772-2777.

11/ See report of the Educational Policy Research Center of the Stanford Research Institute, Patterns in ESEA Title I Reading Achievement, March of 1976.

that educationally deprived children in low income areas receive the supplemental education services they need. Many of these requirements, for example, comparability, supplanting, program evaluation, were added or strengthened as a result of proven abuses by LEAs and SEAs. As a result Title I now operates much more as intended--with positive results. Major changes in Title I would cause confusion, as in years past, and risk the return of widespread abuse.

Now that we are seeing positive results and proven effectiveness of Title I programs, we need to increase the funding for the program so that all Title I eligible children will receive these valuable services. The July 31, 1977 NIE report on Compensatory Education Services estimated that only 66 percent of the students eligible for Title I were participating in the program.

The current authorization level does not presently reflect the need for school districts to maintain year-to-year continuity for Title I program participants by developing summer programs. However, evaluation results in recent years have consistently demonstrated this need.

A report by the Stanford Research Institute pointed out that while Title I programs are bringing about significant improvements in achievement levels for disadvantaged students, achievement levels for Title I students tend to remain constant or decrease by 1 month during the summer months. By comparison average students tend to increase their achievement by 1 month during the summer.

As a result of the lack of summer Title I programming, Title I students are still losing 1 or 2 months per calendar year to their average counterparts.

If the goal of improving and maintaining achievement gains for Title I students is ever to become a reality, there is a need for continued programming for these students during the summer. We recommend that a separate section of Title I be created for special projects such as summer programs for Title I students. Home learning training programs for parents of Title I students would also help to maximize the benefits of compensatory education that is provided during the school day.[12] We urge the subcommittee to consider these kinds of innovative approaches to improving on a program that is already a working success. The national commitment to reducing the devastating educational effects of proverty has not been fulfilled but we are getting closer. Now more than ever is the time to increase those effects and make equal educational opportunity a reality.

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[12] The Federal Educational Project published a series of articles on home learning techniques for parents in our Newsletter. The positive feedback we received from parents on this information demonstrates the need for home learning training and the eagerness of parents to develop the skills necessary to further help their children succeed in school.

Ms. Brown. The whole issue of "follow-the-child" came up in 1976 and at that point in time we did a very careful review of the situation and recommended that Title I funds should not follow the child in a desegregating situation but rather something such as the Emergency School Aid Act should be used to address this problem.

As a consequence of the discussions in 1976 there was a five percent setaside added to the ESAA program "for providing compensatory services to students who previously received such services funded in whole or in part under Title I of the Elementary and Secondary Education Act of 1965, but who are no longer receiving such services as a result of attendance area changes under a desegregation order or plan issued after August 21, 1974."

The Federal Education Project maintains its opposition to allowing Title I funds to "follow the child." Our major concerns fall into two broad categories, those which relate to the goals and effective operation of Title I programs, and those which relate to facilitating successful desegregation and minimizing community resistance.

In order to allow Title I funds to "follow the child," Section 141(a)(1)(A) of the current Title I statute would have to be amended to expand the categories of schools and students for whose benefit a school district's limited Title I allocations are to be spent.

The new category would include students who previosly attended schools serving eligible attendance areas but who are reasigned to ineligible schools as a result of a desegregation decree. The addition of the new cateogry would not only increase substantially the number of schools sites eligible for Title I programs, but also for the first time, some educationally disadvantaged students in a target school would be disqualified from participation in Title I programs for reasons which have nothing to do with their level of educational attainment.

The seriousness of this situation is aggravated by the single most important fact affectintg the design of local programs: the level of funding. In the more than twelve years since the program's inception, Congress has never appropriated sufficient sums to fund authorized entitlements fully—much less to provide compensatory services and programs to every educationally disadvantaged student in an eligible school.

Because the law also requires that Title I projects be concentrated for greatest impact, the result has been that school systems must choose which needy potential recipient students they can serve with the limited funds available. To the extent that a district attempts to place Title I programs at a large proportion of its eligible schools, it may dilute the effectiveness of any program. Given these realities of funding, an expansion of the categories of eligibility increases the risks of program dilution and the dangers of destructive competition for limited resources.

At the time the statute was enacted in the mid-1960's, many Southern school systems retained dual overlapping attendance zones for black and white children in order to preserve segregation. In these circumstances, Title I programs were often located only at all-black schools.

From 1965 to 1969, these districts began the process of desegregation under "freedom of choice" methods. The overlapping attendance zones were formally maintained, but individual school children could elect to attend schools outside their zones. Virtually without exception, only black children elected to transfer schools for purposes of desegregation. But black children who had been receiving Title I services in all-black schools (for two or three years at most) often were discouraged from choosing to attend white schools because these latter schools did not have Title I programs. (Prior to 1970, there were no Federal funds available to provide services to children in desegregated schools as a potential incentive to exercising the choice, as became available under the Emergency School Assistance Program and the Emergency School Aid Act of 1972.)

In order to eliminate the problem of Title I programs furnishing a disincentive to desegregation, and in furtherance of the policies of Title VI of the Civil Rights Act of 1964, the U.S. Office of Education (OE) for several years permitted school systems to "follow the child" with Title I funds and services when desegregation transfers took place.

After 1969, "freedom of choice" was unacceptable as a method of desegregation except in very unusual circumstances, and consequently the burden of desegregation was lifted from individual children and their families, and placed instead upon school systems. Thereafter, most desegregation has taken place pursuant to plans utilizing redrawn attendance areas. To reflect the changes in constitutional interpretation of desegregation requirements, and to prevent excessive dilution of Title I funds, OE in 1971 adopted a new policy concerning desegregation. Program Guide #64 (January, 1971) cancelled Program Guide #28 and ended the general practice of "following the child."

According to Program Guide #64, the only conditions under which Title I programs could "follow the child"; is when children "who reside in eligible attendance areas but by specific arrangements attend schools serving ineligible areas may be considered for participation in the Title I program." The OE Program Support Package explains that this part of Program Guide No. 64 is intended to make "provision for majority-minority transfer" (similar to free choice), which is often an added option for some students under desegregation plans.

Under the policy which has been in effect since 1971, a school system which desegregates must redetermine, on a systemwide basis, eligibility for and targeting of Title I funds. Each attendance area—many of which will have been altered by such techniques as redrawing boundaries, pairing, or non-contiguous zoning—must be ranked anew in terms of the number or percentage of school-age children from low-income families, in order to assure that schools serving attendance areas with high concentrations of low-income children receive Title I funds.

In this redetermination of eligibility and retargeting process, it is possible that some children who previously received Title I services may now be attending schools which no longer are, or never were, eligible for Title I programs. However, unlike the situation in the late 1960's funds are available to school systems to provide extra services for these and other students in desegregated schools under the Emergency School Aid Act.

While it is a national tragedy that all too often the needs of some educationally disadvantaged students go unmet because of inadequate Federal funding of education programs, we endorse the principle upon which Title I was originally enacted, and continues to operate: that educationally disadvantaged students attending schools where there are large concentrations of children from low-income families face greater educational barriers than those in schools with smaller proportions of low-income children.

The problem of lack of funds to meet the needs of all educationally disadvantaged children will only be exacerbated by spreading already inadequate Title I funds more thinly. So long as Title I appropriations not only fail to make available needed services to all educationally disadvantaged students, but fail even to keep up with the rate of inflation so that existing service levels can be maintained, we feel that distribution of Title I funds to schools on the basis of high concentration of children from low-income families makes the most sense, both educationally and equitably.

A "follow the child" policy is not consistent with the underlying premise of Title I as I have just outlined. For this and the following reasons we consider such a policy unwise:

1. A "follow the child" policy may disrupt the "poverty targeting" basic to the existing program. A school which previously would have been eligible to receive Title I funds because of the concentration of children from low-income families might no longer receive funds, or might receive a reduced amount, because some of the district's Title I allocation will be diverted to non-eligible schools in order to provide programs for children formerly attending this school. This could occur even if the children transferred out were later replaced by other low-income students (of a different race). The result may be to provide Title I services to educationally deprived children in schools serving relatively affluent attendance areas while denying similar services to such children attending schools serving predominantly low-income areas—contrary to the general principle of the Title I program.

Although the concentration of fund requirement would prevent the dilution of services to children participating in Title I projects, unless there is a substantial increase in Title I appropriations nationally, the number of schools with high concentrations of poor children receiving funds, or the amount of funds received by individual schools would be reduced.

2. Dissatisfaction with desegregation programs might be increased, rather than reduced. As numerous studies and reports have indicated, a major complaint about desegregation is that attendance area changes combine groups of low-income white and low-income blacks, fostering racial but not socioeconomic desegregation. When this occurs, under the present Title I statute schools serving such students at least are among the primary targets of Title I funding. A "follow the child" policy might result in taking away compensatory education funds from such schools and thereby increasing dissatisfaction with and resistance to desegregation.

3. The policy could create resentment between parents of students who receive services and parents of those attending the same school who do not. In future years, a "follow the child" provision may

cause resentment—likely to be racial in nature—between parents of educationally disadvantaged children who receive Title I services and parents of educationally disadvantaged children in the same school who do not receive Title I services.

4. The policy could result in labelling children as "dumb" or "deprived" on the basis of race. "Following" with Title I funds and services educationally disadvantaged students transferring because of desegregation from one school to another could stigmatize these children, on the basis of race, as "dumb" or"deprived" On the other hand, if an entire desegregated school is eligible for Title I funds because of the concentration of children from low-income families in its attendance area, then both mniority and non-minority educationally disadvantaged students would have an equal chance to receive services.

As already stated, Federal funds are available under the Emergency School Aid Act (ESAA) to respond to the problem of how to meet the needs of educationally disadvantaged students attending desegregated schools.

6. A "follow the child" policy fails to address the multiplicity of factors which may alter eligibility and targeting each year.

7. Another way in which students might lose Title I services is the situation where more affluent children transfer into a previously designated Title I school pursuant to a desegregation order. Very often, predominantly one-race schools are maintained with considerable excess capabity in order to preserve segregation, and desegregation plans may call for the reassignment to these schools of other children.

It appears that the concern over the loss of Title I services due to desegregation is much more of a pre-desegregation worry among parents than a post-desegregation problem. As California's State Superintendent of Schools, Wilson Riles, stated in his September 27, 1977 testimony before this subcommittee, this seems to be a transitory problem at best. Most newly desegregated schools receive ESAA funds and many of them continue to be Title I eligible schools as well, due to the tendency of school systems to exercise their option to select as many Title I eligible schools as possible for Title I services.

However, because we do not seem to have any figures indicating the number of children who have lost Title I services due to desegregation and whose needs are not being met by the ESAA program, we suggest that the National Institute of Education be mandated to make a comprehensive study of this problem, including numbers of effected children, and make recommendations to the Congress on a proposed solution should a significant problem be determined to exist.

Mr. Kildee. Thank you very much.

Has Mrs. Gail Smiset appeared?

[No response.]

Mr. Kildee. Congressman Miller, do you have questions?

Mr. Miller. In the part of your statement would you expand on your principle of how, if funds were to follow the child, this would cause resentment of a desegregation order or among various parents.

Ms. **Brown**. If the Title I funds were to follow a child to a new school which was not eligible for Title I, it would only be the children tranferring in or newly assigned who would be given the Title I services, but there might also be kids even needier who would not be getting the Title I services because they had already been in this ineligible school and it is still an ineligible school. That is one instance where you could create some tension between parents and opposition to school desegregation. In fact, in some of our work with the Wichita school system this was found to have actually occurred.

Parents reported to us some of the dissatisfaction over school desegregation came out of this very "follow-the-child" policy which was being exercised in Wichita.

Mr. **Miller**. What funds currently go with that student?

Ms. **Brown**. It is just a small amount of funds that would cover a program for those children that are going from the sending school to the receiving school. For example, in Richmond there are a number of schools that receive Title I programs and the amounts are fairly small. They are about $2,000 on the average. It is indicated in the table on page 4 of our full statement.

Mr. **Miller**. Would you take 100 Title I children in Harry Hills and you send them to Penola Valley and some money follows them but it can only be used for those students?

Ms. **Perry**. That is right.

Mr. **Miller**. So in a special reading class they are going to have to be by themselves?

Ms. **Perry**. That is right.

Mr. **Miller**. What is the difference between that and the funds following the child? You are still telling the children in Penola Valley who cannot do mathematics they cannot receive the services?

Ms. **Brown**. The Emergency School Aid Act allows you to create programs in a desegregation school to serve the needs of those children, so it would not be restricted just to students that were being brought in. You would have a different situation. We do not know what the five percent setaside would require because we do not have regulations for that program. I do understand from some comments made by the Assistant Secretary, in developing or thinking about developing those regulations, there were some "technical problems." I am not aware of what kind of technical problems she was referring to but I think that we need to be talking to them about the setaside to make sure HEW addresses some of those problems when they implement that part.

Mr. **Miller**. I am not sure I am clear about what we have done to these students. You are telling me—I am new at this education game—there is emergency school aid that would let me mix these Title I students with other non-Title I students and they could both learn in special reading classes together?

Ms. **Brown**. The law says there can be remedial funds for students.

Mr. **Miller**. That is not just for students who transfer in but for those who transfer out?

Ms. Brown. It is for programs in that school for both sets of students.

Mr. Miller. But we would not let Title I monies contribute to any of the resources under the law for those students. They would have to go to the Emergency School Aid Program. I do not know what we are doing.

Ms. Brown. We think that the current Title I ranking system ought to be maintained and that you ought to keep the Title I programs in those schools that are the highest levels of poverty. If some students are transferred out of an eligible school to an ineligible school, we are saying there are some other programs to meet their needs. So you do not need to have Title I funds flowing all over the place to these other schools. It would be very disruptive to the whole targeting process.

Mr. Miller. If you go to Jefferson Junior High School on the west side of Fresno, which has more Federal money in it than any school in California and more teaching aids, more teaching resources, assistants for teachers, good teachers, why would you transfer out of there? Why would you send your child across into the white suburbs under desegregation, because there is no way you can apply equal resources to that child? So you deny them the experience of mixing with other children because you say the full resources cannot follow. Some kind of hybrid resources can follow. When the child does get out to Penola Valley, it would seem to me there are diminishing returns in terms of the amount of resources you can put behind the child.

You can put only the best teacher available, the best program, and hopefully, after you have done that, what the hell difference does it make if the Title I, or whatever is paying the freight, so long as the child is receiving the full benefits?

Ms. Brown. I think that the problem is really increased because of the underfunding of Title I. You are taking services away from one child.

Mr. Miller. That is a different response. If you are telling me it is a question of money——

Ms. Brown. I think our opposition would be reduced considerably if there was more money in the pot. I think all of the problems we have cited would be much fewer. Maybe that is the answer, more money, so that we can serve all of the eligible students.

Mr. Miller. We go back to whether it is econmically or educationally disadvantaged. I think that is where the rub comes in. There are an awful lot of people in Penola Valley who are not econonmically disadvantaged but their children are in disaster areas in terms of educational skills.

Ms. Perry. One of the problems is we do not have a firm data base from which to speak. I would believe in many of the desegregating situations, particularly in some of the Northern areas, children are going from Title I schools to other Title I schools that are eligible because the populations that are mixing are basically both low income. I would feel much more reassured if I were able to look at data and be able to see just how many children are leaving formerly eligible Title I schools and going to Title I schools that are not eligible. We do not have a data base from which to speak. That is one reason why we made the recommendation.

Mr. **Miller**. If I may take one more minute.

Mr. **Kildee**. Yes.

Mr. **Miller**. Ms. Brown, what about the case I posed to Dr. Porter, that is, if you had the equalization within the Richmond school district, equalization of effort, then it would seem to me your case for having the money stay in that school is reduced because at that point it would seem to me the school district should be able to have the flexibility to create programs for all educationally disadvantaged students because in terms of economically disadvantaged students the theory of equalization is that the resources are the same as they might be in the suburbs. So the questions of economically disadvantaged as it relates to the plant, the facilities and teachers, and so forth, has been reduced by equalization.

Ms. **Brown**. I think a lot of it has been reduced by equalization, but we are trying to recognize the fact when you have large numbers of kids from poverty backgrounds who are also educationally deprived it may take more money to service their needs.

Mr. **Miller**. Absolutely. Clearly with some faith in the school board you would hope—and that was my concern about the question of civil rights aspects—they would recognize that and put the programs where the need is. But it would seem to me that the case for flexibility becomes much stronger with equalization in the States.

Ms. **Brown**. I would agree that if certain criteria were met we would feel more at ease with flexibility.

Mr. **Miller**. I would be very interested if you would like to make suggestions to the committee what kind of criteria those are, because I can see the dangers.

Ms. **Brown**. We would be glad to do that. We would like an opportunity to submit that with the statement we would like to prepare for next week's record.

Ms. **Perry**. May I add one additional point, that is, to stress under this system, as it operates now with the "follow-the-child" provision, it is not an absolute law the funds cannot follow the child. That is true when it is a court-ordered desegregation program. But if it is a voluntary effort as the type we have here discussed today, you have to redetermine eligibility for the district as a whole after you make the transfers of students, so there is already a certain amount of flexibility built into the program.

I do agree that equalization efforts really will contribute to solving the problem, but I would point out, in terms of relying on the school boards, we do not see school boards as our adversaries. The reason the Title I program was passed in the first place was that the economically disavantaged students were not receiving the type of funding that they needed in order to be able to compete on an equal basis with their peers. I think school systems are beginning to deal with those problems but I do not think we are quite there yet. I still think there is a need for the provision of targeting on a particular population, again going back to the underfunding problem, as well.

Mr. **Kildee**. I appologize, but I must excuse myself for about 15 minutes as there is a vote on the floor of the House. When I return we will continue.

[Short recess.]

Mr. **Kildee**. I think that it would be very beneficial for us to try to establish a record that will be put together in a very logical manner, which will pull all the various elements together so when we start working on the bill next year we will have it available.

Perhaps at this point we should start down the table with Dr. Porter and give each of you the opportunity to react to each other's comments.

Dr. Porter.

Dr. **Porter**. Congressman Kildee, I would only like to make four points very briefly, and not take exception with the others, to say that the testimony in opposition to follow the child sounded very clearly to me as if it were more concerned about keeping children racially isolated than we are in seeking integrated educational services. I contend children who learn together can work together better.

Our major point in "follow the child" is that we should be more concerned about improving student learning and performance than writing Federal revisions on local school districts.

Second, we are not proposing a mandate on "follow the child." We are suggesting an option. If Louisiana wants to do it one way, fine, but Michigan ought to be able to do it in a different way. We have 14,000 school districts that receive Title I funds.

Third, I would take strong exception to the last presentation. Emergency assistance funds are not available to school districts. They are not available to most school districts that have been ordered to desegregate.

In the past two months I have had to intercede in three cases in Michigan to try to get a piddling of emergency assistance funds.

Title I is a $2 billion operation. The emergency assistance funds barely reach a quarter-of-a-billion dollars, and they are only ten percent. There is no way for those funds to do the job that Title I does, no way, because of the Detroits and the Bostons and the other large districts. And when Los Angeles and Chicago get in the pot, there won't be any funds to do what was just said.

Fourth, none of the discussion that is in opposition takes into account the need for voluntary arrangements, not just desegregation arrangements, but because of the constancy testing activities, because of declining enrollments, and because there are some school districts that I think if they could get Title I funds they could probably help us in our urban centers and in our rural areas do a better job of educating our boys and girls.

Finally, the best example I have of what I am proposing is the Flint public schools. Last week the Office for Civil Rights turned down the Flint plan and ordered the Flint schools to desegregate. Under the current Title I law there is no way that they are going to be able to use the Title I funds to carry out the order from the Office for Civil Rights in your own school system.

Mr. **Kildee**. Thank you very much, Dr. Porter.

Mr. Cortez.

Mr. **Cortez**. Congressman Kildee, first I would like to point out that Title I in my opinion has been extremely successful. I would just like to emphasize that on your economic surveys, this is done after desegregation has taken place. So by definition, you have in your economic survey the largest concentration of economic deprivation are eligible and the ones that have the least economic deprivation are not eligible.

I believe that where you find the largest concentration of economic deprivation, you find the largest concentration of educational deprivation.

There is not enough money to service all the educationally-deprived that are eligible, in my opinion. I know there is not in our district.

Therefore, to just allow the money to follow the child, you cause problems that will weaken the success of Title I. Because I believe the success of Title I has been concentration of services, has been in-service training, both to the Title I staff and staff sent into Title I. And to weaken concentration of services will do nothing but cause problems, administrative problems, and weaken the cognitive impact of the Title I program.

Mr. **Kildee**. Thank you, Mr. Cortez. Mr. Dominic.

Mr. **Dominic**. Let me add to what Dr. Porter said on the ESAA funds. I am going to be a little bit parochial and use the Akron public schools, because obviously I know more about them.

In order to receive serious consideration for these funds, a school system must be under court order to desegregate their schools. As Dr. Porter has pointed out, funds that are available to ESAA are rather minimal. And in order to qualify for these ESAA funds, a school system must have formally adopted a school desegregation plan which has been approved and indeed published in a local newspaper.

Now, in 1968 the Akron public schools underwent litigation on desegregation, and we were found to be not guilty. It would obviously have been inadvisable for the school district to even consider ESAA funds, assuming that these funds would be available.

In Akron we are voluntarily closing and reassigning youngsters to schools that are predominantly white. Obviously our concern is that we have well over 350 black youngsters who are currently attending three all-white, at least prior to this year, schools. And the problems we experienced in getting those schools closed was one that was pointed out by the other side, and that is that the parents were extremely concerned to remove their youngsters from a setting in which they had access to counselling services, to remedial reading, and to mathematics programs.

So this is one of the problems that school districts will experience in their efforts to close buildings that are comprised of predominantly culturally-disadvantaged or econmically-disadvantaged youngsters, and move them into a pattern whereby they will be in a school district that is more of a desegregated nature.

Thank you.

Mr. **Kildee**. Mr. Williams.

Mr. **Williams**. I would like to again focus on the Akron plea, if I might, and that is that our situation is so reminiscent, I think, of what we are going to see more and more of in the next five years, during the period of time that the reauthorized bill will be enacted, and that is the school closure concept.

Enrollments are dropping all over this country. Seven schools in Akron in the next five years are going to be repeated across this country. And I think it is a blessing in disguise, because it provides for us the opportunity—face, it, the schools you are going to likely close are those built first, and those are in the center of town, and more than likely they are occupied by minority youngsters.

It provides the perfect affirmative situation in which you can take these children and disperse them to the ringing schools which also are dropping in enrollment, the room is available, they can receive them. You have a natural setting. And if is there is any key to success in the mingling of the races it is to do it naturally and not force it by some outside court action.

We have the opportunity, as Mr. Dominic has stated—we promised the parents in these schools, who believe me do not want their school closed, that we would do all within our power, to wit our presence here in Washington today, to see to it that the services that Title I has provided for so many years are not lost because their schools are closing.

Don't deprive us twice, once taking away our neighborhood schools, and second taking away the services that we still need.

I think that all of us are in agreement at this table on one thing, and that is that money probaly is not sufficient to meet all the needs of all the Title I youngsters. That is another issue. That is an issue you are facing in other sessions of the reauthorization hearings.

But I do agree with our friend from Louisiana that the logistics and the mechanics of working out "follow-the-child" legislation are going to be difficult. Administratively we are going to have to think long and hard. When I say we, I mean the Office of Education and the implementing agencies for "follow-the-child" legislation.

I would disagree with the lady to my left, because the regulations have not been written on "follow-the-child". And if those regulations are written carefully and with the kinds of situations that we are talking about, especially dropping enrollment, and voluntary action on the part of the schools, we won't have the problems she cites.

It is the regulations that will alleviate these problems.

I thank you for this final opportunity.

Mr. KILDEE. Ms. Brown.

Ms. BROWN. The Federal Education Project is very supportive of school desegregation efforts. I think that it is unfortunate that there may be a disincentive to desegregate under the current situation. But I think that the Emergency School Aid Act is a better vehicle for taking care of problems that come up as a result of desegregating schools. And perhaps we need much more money in that pot, and perhaps the set-aside should be ten or fifteen percent instead of five percent. And certainly that discretionary money ought to be spent to deal with the problems of moving Title I children out of Title I eligible schools and into a desegregated setting.

In the Akron situation, I would think that in Akron that when you have several school closings, and you are reassigning kids to other schools, when you rank your schools anew, that the district average for poverty would probably be lower if you are mixing kids in different parts of the city. And I would assume you would have more eligible schools. Is that not the case?

Mr. **Williams**. To answer the question just briefly, the poverty level in the receiving schools is still four or five percentage points below the city-wide average, and consequently these youngsters do not quality.

Ms. **Perry**. We don't understand this particular point. If you bear with us one moment, just to ask a little further. As you close more schools, you say you have a total plan over the next several years. Wouldn't the district-wide average for poverty then be reduced as more and more students are transferred into those other schools, and what you are describing now, would this not be a transitory stage in your total program in terms of dealing with the declining enrollment?

Mr. **Williams**. I will try to start the answer. The district-wide average is 21 percent. If you have 21 percent poverty in school, you receive the funds. The five-year plan, though the assignments have not been confirmed, they are confirmed on a school-by-school basis at the time or shortly preceding the time of closure.

We project, though, at this time some of the schools, because of the influx of the primarily minority youngsters, will qualify. Many of them will not.

In the case of Grace this year, three out of the four do not. One does. I grant you that there is some validity in your point. In our next two school closings, Henry School and Bryant School, this year, I believe maybe four out of the seven receiving schools do not qualify and will not qualify, according to our projections.

If the poverty level in the city continues to drop, and our pecentage rises from 21 to, say, 25 or 30, which we hope does not happen, we hope we don't have an exit of those not on poverty, and we are trying to alleviate and forestall that possibility, we hope our predictions hold true and that indeed Title I money will be more and more needed in these receiving schools.

Ms. **Brown**. I think we are still left with the problem if you have Title I funds following children to their newly-assigned schools, there are going to be some schools with the higher levels of poverty and educational disadvantage, which will no longer be eligible. And so by solving one problem, we have merely created another, for another group of youngsters who are perhaps even needier than those having the Title I funds follow them to another school. Whereas that may be an incentive for desegregation, there is a group of youngsters that have not been served well by that policy and who are indeed harmed by it.

Mr. **Kildee**. I appreciate the colloquy.

Ms. **Brown**. Give us some more money and we will all agree.

Mr. **Kildee**. I have a reputation for doing that in Michigan. But I was on the appropriations committee back in Michigan, where I had a little more say on that.

I think before we leave, Mr. Cross has a couple of questions Mr. Pressler wanted to ask before he left.

Mr. **Cross**. Thank you, Mr. Chairman.

Ms. Brown, your statement is based on the assumption that the Emergency School Aid Act is a compensatory education program, because your solution to the problem is to use ESAA funds. We had a couple of days of hearings on that program back some time ago. And I think there was a sentiment developing that it should not be that, it should be a program that encourages desegregation by allowing for planning. And I think it is fair to say the administration is considering going along those lines.

If the compensatory nature of emergency school aid is eliminated, what is your solution?

Ms. BROWN. Well, I think that is why there has to be a set-aside, a certain part of ESAA that might be used for this very special problem, while the bulk of the program would be for non-basic-skills purposes.

But I think there should be portion of it that is specified to deal with a "follow-the-child" problem, and to create Title I type programs in those schools.

However, I would agree that the bulk of the program should be used for other kinds of desegregation needs and not just for basic skills purposes.

Mr. CROSS. But it is a project grant program. There are many more districts undergoing desegregation than can possibly qualify for ESAA funds. You cannot reach the problem with a limited amount of money that would be in a set-aside under emergency school aid, can you, honestly?

Ms. BROWN. I think you have pointed out a technical problem that I would have to acknowledge.

Mr. CROSS. I think it is much greater than technical. I think that is a policy problem.

Let me also ask another question based on your analysis of the situation and the situation in Akron, for instance, I think lends itself to this. Congressman Quie, as you know, is interested in changing allocation to educational need. Wouldn't the problem be solved if the program were based on educational need?

Ms. BROWN. Perhaps it would, except that the Title I children you would be following wouldn't be the same Title I children that your proposal would be trying to serve necessarily.

Mr. CROSS. One of the points in your statement is that you have this tension in a school if you allow the money to flow in and you have some students that are getting it and some that are not.

If you served kids on the basis of an educational need, no matter whether they came from outside that school district and were bussed in or lived within that attendance area, you would remove that kind of distinction and remove that kind of tension.

Ms. BROWN. We would still prefer to maintain the poverty focus of the program.

Mr. CROSS. But that was not my question. Wouldn't you solve the problem if you changed the focus?

Ms. BROWN. I think you would solve it in part. But I don't think you would solve it in total, because you would still have some children that were being moved to other schools that might not qualify under the new criteria.

Mr. CROSS. Dr. Porter, I wonder if I could ask you to just elaborate, not on this, but on something else, since time is running out—on your views on the allocation of Title I funds within a State, and how you would prefer that that be done.

You answered to the chairman earlier you were satisfied with the way they are allocated now. I would just like the record to be clear on what your position is.

Dr. PORTER. Previously I felt it important to allow states to allocate Title I funds based upon educational deprivation, so that they can pool the resources. This position has created a lot of controversy. Indeed, I have been like a voice in the wilderness.

So what I was saying to Chairman Perkins is that I feel, as far as Michigan is concerned, that we are getting a fair break on the allocation of Title I funds. Our share of the Title I funds, $85 million a year, I think is good and makes us competitive with the other States. And I am pleased now, to modify my position, to say if that is creating so much political stir, let's allocate the money that way.

Mr. CROSS. To the States.

Dr. PORTER. To the States, rather than what I had previously recommended in 1974.

However, within the State I feel that the law should be amended to allow local districts to use educational deprivation in terms of allocating funds to do the very thing that you were just asking the people at the end of the table to do. In that way, it removes the State from being in competition with the local districts and creating this big brother local control problem, which is just too great to try to overcome. But it still allows the Akrons and the Flints and the other districts to consider allocating the funds based upon educational deprivation and to be able to bring students together on a common criterion, compatible with other Federal and State funded programs, such as bilingual and others.

Mr. CROSS. And as your statement number 7 on the last page says, you do advocate from the State to the local districts being based upon educational criteria.

Dr. PORTER. Yes. I will close, Mr. Chairman, with this point. I think we have to come to grips with what it is we are trying to do. I don't believe that Title I can change the socio-economic deprivation of people. We ought to get off that kick. I do believe that Title I could change the educational deprivation of boys and girls, and we ought to get on that kick.

Mr. CROSS. Thank you, Mr. Chairman.

Mr. KILDEE. Thank you, Mr. Cross. I really want to thank all of you. This has been one of our better hearings. I also add a personal element. I see a bit of deja vu here, me in the chair and Dr. Porter testifying. It takes me back many years in the Michigan legislature.

Thank you all very much.

We will stand in recess until Tuesday at 9:30.

[Whereupon at 12:10 p.m. the hearing was recessed to reconvene at 9:30 a.m., Tuesday, October 25, 1977.]

[Additional material submitted for the record follows:]

STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
Lansing, Michigan 48909

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Public Instruction

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Ex-Officio

November 21, 1977

The Honorable William D. Ford
United States House of Representatives
Rayburn Building
Washington, D.C. 20515

Dear Congressman Ford:

As you may recall, several questions were raised when I testified before the Subcommittee on Elementary, Secondary, and Vocational Education on October 20, 1977. I have reviewed these questions with staff and have developed responses for them. Please find the questions and answers attached.

I would appreciate any comments you or your staff might have regarding my responses.

Please accept my thanks to you and to the committee for giving me the opportunity to present my views and recommendations concerning ESEA Title I legislation.

Sincerely,

John

John W. Porter

Attachment

RESPONSE TO FIVE QUESTIONS RAISED AT HEARINGS BEFORE THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

October 20, 1977

I. Would you reduce Local Education Agency (LEA) grants to permit the 5% Title I set-aside for professional development?

I would recommend that the 5% set-aside be an increased appropriation to the State Education Agency. It is anticipated that Title I allocations will continue to increase as in the past. A 5% set-aside would, in effect, reduce the amount available to locals, but in all probability would not decrease their current operating budgets.

II. What role would you give teacher training institutions and teacher centers?

The purpose of the 5% set-aside would be to assure that all Title I instructional staff were trained in the varied skills needed to improve student achievement. The needs of these staff members would be determined through local needs assessments. It would then be my intention to use the Title I set-aside funds to encourage professional development centers and teacher training institutions to deliver the skills compensatory education staff say they need. The role of these institutions in delivering these skills would be dependent upon their willingness to respond to the instructional needs of compensatory education teachers, and the confidence of the teachers in the skills of the teacher trainers.

III. If the states were given the authority you suggest regarding parent participation, what guidelines would Michigan promulgate?

In order to insure that parents of compensatory education children have the opportunity to become involved in the education of their children to a greater degree, I would propose that Michigan guidelines contain the following provisions:

A. that parent advisory council members at the local level be governed by a set of locally developed by-laws which would outline the function of the council, its membership, organizational structure, and its relationship to the school board and staff;

B. that the LEA provide orientation and training sessions pertaining to Title I (general rules, regulations, and intent of the legislation);

C. that the LEA outline their plan detailing how the compensatory education parents will be involved in:

1. the planning of the program,
2. the implementation of the program, and
3. the evaluation of the program;

D. that the State Department of Education:

1. identify exemplary parental involvement activities and disseminate them throughout the state, and
2. provide inservice training for local parent advisory councils and appropriate LEA personnel.

IV. Specifically, how should comparability be restructured?

To make comparability reporting simpler and less burdensome, either of two different approaches might be taken:

A. Use total instructional costs (salaries, supplies, etc.) per building less Title I and other Federal expenditures divided by the number of students. Salary expenditures to include the base plus increments, or

B. Use pupil-instructional staff ratio alone--no per pupil expenditure data.

In addition, the acceptable range for deviation from the average be increased from 5% to 10%.

V. What is the comparison of Michigan statistics with the Decima Study reported in Education Daily?

The Michigan Department of Education would have difficulty responding to the Decima Study as reported in EJucation Daily. We have no data to verify the number of low-income children included in Michigan Title I programs. However, we do have some reactions to statements made in the Education Daily.

A. Education Daily reports that "The majority of the children in Title I programs are nonpoor low achievers." We judged this to be true based on the fact that Title I eligibles (for allocation purposes) make up only about 10% of the total number of children in Michigan schools, that not all low-income children are low achievers, and that not all low-income children are located in target areas. For these reasons it follows that many, if not the majority, of Title I participants are not poor.

B. "The study also found that there are slightly more re[illegible]r than low-achieving students in Title I programs." This would certainly not be true in Michigan. Very close to 100% of the children in Title I programs are low achievers. In fact, most of them are at least one grade level or more lower than that expected of them for their age or grade level.

C. According to Education Daily, Dr. Evans explained to the subcommittee that there were "definite correlations" between being poor and being a low achiever. It is our experience that there is some correlation, but it is far from perfect. Some of our major cities have compared a ranking of schools based on Michigan Educational Assessment Program scores with a ranking of schools using Title I low-income data. We find that by using assessment data some school buildings currently eligible for Title I would lose their eligibility. Regardless, we have closely followed Title I regulations in Michigan. School districts use low-income data to determine target area, but Title I participants are definitely low achievers.

From 1975-76 data we find that the average Title I pre-test scores for grades 2-6 in reading and mathematics were as follows:

Grade	Reading	Mathematics
2	1.6	1.5
3	2.3	2.0
4	2.9	2.6
5	3.6	3.2
6	4.2	3.8

APPENDICES

Appendix 1

PART II—ELEMENTARY AND SECONDARY PROGRAMS

Elementary and Secondary Education Act of 1965

TITLE I—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES[1]

DECLARATION OF POLICY

SEC. 101. In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children.

(20 U.S.C. 241a) Enacted April 11, 1965, P.L. 89-10, Title I, sec. 2, 79 Stat. 27; redesignated and amended January 2, 1968, P.L. 90-247, Title I, secs. 108(a)(2), 110, 81 Stat. 786, 787; amended April 13, 1970, P.L. 91-230, sec. 113(b)(2), 84 Stat. 126.

DURATION OF ASSISTANCE

SEC. 102. During the period beginning July 1, 1973, and ending September 30, 1978, the Commissioner shall, in accordance with the provisions of this title, make payments to State educational agencies for grants made on the basis of entitlements created under this title.

(20 U.S.C. 241b) Enacted April 11, 1965, P.L. 89-10, Title I, sec. 2, 79 Stat. 27; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 101, 80 Stat. 1191; redesignated and amended Jan. 2, 1968, P.L. 90-247, Title I, secs. 108(a)(2), 110, Title III, sec. 301(a), 81 Stat. 786, 787, 823; amended April 13, 1970, P.L. 91-230, secs. 101(a), 113(b)(3), 84 Stat. 121, 126; amended August 21, 1974, P.L. 93-380, sec. 101(a)(1), 88 Stat. 488; amended April 21, 1976, P.L. 94-273, sec. 2(12), 90 Stat. 375.

PART A—BASIC GRANTS[2]

Subpart 1—Grants to Local Educational Agencies

GRANTS—AMOUNT AND ELIGIBILITY

SEC. 103. (a)(1) There is authorized to be appropriated for each fiscal year for the purpose of this paragraph 1 per centum of the amount appropriated for such year for payments to States under section 143(a) (other than payments under such section to jurisdictions excluded from the term "State" by this subsection, and payments pursuant to section 124), and there shall be authorized to be appropriated such additional sums as will assure at least the same level of funding under this title as in fiscal year 1973 for Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and to the Secretary of the Interior for payments pursuant to paragraphs (1) and (2) of subsection (d). The amount appropriated pursuant to this paragraph shall be allotted by the Commissioner (A) among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for grants under this part, and (B) to the Secretary of the Interior in the amount necessary (i) to make payments pursuant to paragraph (1) of subsection (d), and (ii) to make payments pursuant to paragraph (3) of subsection (d). The grant which a local educational agency in Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands is eligible to receive shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

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[1] Section 206(7) of Title II of P.L. 94-274 (Enacted April 21, 1976. 90 Stat. 393, 394) provides that the period of July 1, 1976, through September 30, 1976, shall be treated as part of the fiscal year beginning October 1, 1976, for the purposes of Title I of the Elementary and Secondary Education Act of 1965.

[2] Sec. 101(a)(10) of P.L. 93-380 provides as follows:

"(10) There is authorized to be appropriated for each fiscal year a sum not to exceed $15,700,000 to be allocated at the discretion of the Commissioner to assist those local education agencies whose total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 is 90 per centum or less than such allocation under such part A during the preceding fiscal year."

(2) In any case in which the Commissioner determines that satisfactory data for that purpose are available, the grant which a local educational agency in a State shall be eligible to receive under this subpart for a fiscal year shall (except as provided in paragraph (3)) be determined by multiplying the number of children counted under subsection (c) by 40 per centum of the amount determined under the next sentence. The amount determined under this sentence shall be the average per pupil expenditure in the State except that (A) if the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, such amount shall be 80 per centum of the average per pupil expenditure in the United States, or (B) if the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, such amount shall be 120 per centum of the average per pupil expenditure in the United States. In any case in which such data are not available, subject to paragraph (3), the grant for any local educational agency in a State shall be determined on the basis of the aggregate amount of such grants for all such agencies in the county or counties in which the school district of the particular agent is located, which aggregate amount shall be equal to the aggregate amount determined under the two preceding sentences for such county or counties, and shall be allocated among those agencies upon such equitable basis as may be determined by the State educational agency in accordance with basic criteria prescribed by the Commissioner.

(3)(A) Upon determination by the State educational agency that a local educational agency in the State is unable or unwilling to provide for the special educational needs of children described in clause (C) of paragraph (1) of subsection (c), who are living in institutions for neglected or delinquent children, the State educational agency shall, if it assumes responsibility for the special educational needs of such local educational agency which is attributable to such neglected or delinquent children, but if the State educational agency does not assume such responsibility, any other State or local public agency, as determined by regulations established by the Commissioner, which does assume such responsibility shall be eligible to receive such portion of the allocation.

(B) In the case of local educational agencies which serve in whole or in part the same geographical area, and in the case of a local educational agency which provides free public education for a substantial number of children who reside in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those agencies among them in such manner as it determines will best carry out the purposes of this title.

(C) The grant which Puerto Rico shall be eligible to receive under this subpart for a fiscal year shall be the amount arrived at by multiplying the number of children counted under subsection (c) by 40 per centum of (i) the average per pupil expenditure in Puerto Rico or (ii) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States.

(4) For purposes of this subsection, the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(b) A local educational agency shall be eligible for a basic grant for a fiscal year under this part only if it meets the following requirements with respect to the number of children counted under subsection (c):

(1) In any case (except as provided in paragraph (3)) in which the Commissioner determines that satisfactory data for the purpose of this subsection as to the number of such children are available on a school district basis, the number of such children in the school district of such local educational agency shall be at least ten.

(2) In any other case, except as provided in paragraph (3), the number of such children in the county which includes such local educational agency's school district shall be at least ten.

(3) In any case in which a county includes a part of the school district of the local educational agency concerned and the Commissioner has not determined that satisfactory data for the purpose of this subsection are available on a school district basis for all the local educational agencies for all the counties into which the school district of the local educational agency concerned extends, the eligibility requirement with respect to the number of such children for such local educational agency shall be determined in accordance with regulations prescribed by the Commissioner for the purposes of this subsection.

(c)(1) The number of children to be counted for purposes of this section is the aggregate of (A) the number of children aged five to seventeen, inclusive, in the school district of the local educational agency from families below the poverty level as determined under paragraph (2)(A), (B) two-thirds of the number of children aged five to seventeen, inclusive, in the school district of such agency from families above the poverty level as determined under paragraph (2)

(B), and (C) the number of children aged five to seventeen, inclusive. in the school district of such agency living in institutions for neglected or delinquent children (other than such institutions operated by the United States) but not counted pursuant to section 123 for the purposes of a grant to a State agency, or being supported in foster homes with public funds.

(2)(A) For the purposes of this section, the Commissioner shall determine the number of children aged five to seventeen, inclusive, from families below the poverty level on the basis of the most recent satisfactory data available from the Department of Commerce for local educational agencies (or, if such data are not available for such agencies, for counties); and in determining the families which are below the poverty level, the Commissioner shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census.

(B) For purposes of this section, the Secretary of Health, Education, and Welfare shall determine the number of children aged five to seventeen, inclusive, from families above the poverty level on the basis of the number of such children from families receiving an annual income, in excess of the current criteria of poverty, from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; and in making such determinations the Secretary shall utilize the criteria of poverty used by the Bureau of the Census in compiling the 1970 decennial census for a nonfarm family of four in such form as those criteria have been updated by increases in the Consumer Price Index. The Secretary shall determine the number of such children and the number of children of such ages living in institutions for neglected or delinquent children, or being supported in foster homes with public funds, on the basis of the caseload data for the month of October of the preceding fiscal year (using, in the case of children described in the preceding sentence, the criteria of poverty and the form of such criteria required by such sentence which were determined for the calendar year preceding such month of October) or, to the extent that such data are not available to him before January 1 of the calendar year in which the Secretary's determination is made, then on the basis of the most recent reliable data available to him at the time of such determination.

(C) When requested by the Commissioner, the Secretary of Commerce shall make a special estimate of the number of children of such ages who are from families below the poverty level (as determined under paragraph (A) of this subsection) in each county or school district, and the Commissioner is authorized to pay (either in advance or by way of reimbursement) the Secretary of Commerce the cost of making this special estimate. The Secretary of Commerce shall give consideration to any request of the chief executive of a State for the collection of additional census information. For purposes of this section, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(d)(1) From the amount allotted for payments to the Secretary of the Interior under clause (B)(i) in the second sentence of subsection (a)(1), the Secretary of the Interior shall make payments to local educational agencies, upon such terms as the Commissioner determines will best carry out the purposes of this title, with respect to out-of-State Indian children in the elementary and secondary schools of such agencies under special contracts with the Department of the Interior. The amount of such payment may not exceed, for each such child, 40 per centum of (A) the average per pupil expenditure in the State in which the agency is located or (B) 120 per centum of such expenditure in the United States, whichever is the greater.

(2) The amount allotted for payments to the Secretary of the Interior under clause (B)(ii) in the second sentence of subsection (a) (1) for any fiscal year shall be, as determined pursuant to criteria established by the Commissioner, the amount necessary to meet the special educational needs of educationally deprived Indian children on reservations serviced by elementary and secondary schools operated for Indian children by the Department of the Interior. Such payments shall be made pursuant to an agreement between the Commissioner and the Secretary containing such assurances and terms as the Commissioner determines will best achieve the purposes of this title. Such agreement shall contain (A) an assurance that payments made pursuant to this subparagraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of section 141(a) and that the Department of the Interior will comply in all other respects with the requirements of this title, and (B) provision for carrying out the applicable provisions of sections 141(a) and 142(a)(3).

(20 U.S.C. 241c) Enacted April 11, 1965, P.L. 89-10, Title I, sec. 2, 79 Stat. 28; amended July 21, 1965, P.L. 89-77, sec. 8, 79 Stat. 248; amended Nov. 1, 1965, P.L. 89-313, sec. 6(a), 79 Stat. 1161; amended Nov. 3, 1966, P.L. 89-750, Title I, secs. 102, 103(a), 104-108, 113(b), 117, 80 Stat. 1191-1198; redesignated and amended Jan. 2, 1968, P.L. 90-247, Title I, secs. 101, 103(a), 104, 105, 107, 108(a), 81 Stat. 783-787; amended Oct. 16, 1968, P.L. 90-576, Title III, sec. 307, 82 Stat. 1097; amended April 13, 1970, P.L. 91-230, secs. 101(b), 103, 104, 105, 106, 107, 113, 84 Stat. 121-124, 126; amended and subsection 103(a)(1)(C) added June 23, 1972, P.L. 92-318, sec. 411(b), 86 Stat. 338; amended August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 488, 491; amended April 21, 1976, P.L. 94-273, sec. 49(a), 49(b), 49(c), 90 Stat. 382.

Subpart 2—State Operated Programs

PROGRAMS FOR HANDICAPPED CHILDREN

SEC. 121. (a) A State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education), shall be eligible to receive a grant under this section for any fiscal year.

NOTE.—Sec. 843(d) of P.L. 93-380, as amended by sec. 48(a) of P.L. 94-273, provides as follows:

"(d) Notwithstanding any provision of part A of title I of the Elementary and Secondary Education Act of 1965, the amount which the Commonwealth of Puerto Rico is eligible to receive under subpart 1 of such part A or under sections 121, 122, or 123 for the fiscal year ending June 30, 1975, shall not exceed 50 per centum of the full amount the Commonwealth of Puerto Rico would receive (after required ratable reductions) under such subpart or section but for this subsection, and for the fiscal years ending June 30, 1976, September 30, 1977, and September 30, 1978, such amount shall not exceed 75 per centum of the full amount the Commonwealth of Puerto Rico would receive (after required ratable reductions) under such subpart or section but for this subsection."

(b) Except as provided in sections 124 and 125, the grant which an agency (other than the agency for Puerto Rico) shall be eligible to receive under this section shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States), multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for handicapped children operated or supported by the State agency, including schools providing special education for handicapped children under contract or other arrangement with such State agency, in the most recent fiscal year for which satisfactory data are available. The grant which Puerto Rico shall be eligible to receive under this section shall be the amount arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States.

(c) A State agency shall use the payments made under this section only for programs and projects (including the acquisition of equipment and, where necessary, the construction of school facilities) which are designed to meet the special educational needs of such children, and the State agency shall provide assurances to the Commissioner that each such child in average daily attendance counted under subsection (b) will be provided with such a program, commensurate with his special needs, during any fiscal year for which such payments are made.

(d) In the case where such a child leaves an educational program for handicapped children operated or supported by the State agency in order to participate in such a program operated or supported by a local educational agency, such child shall be counted under subsection (b) if (1) he continues to receive an appropriately designed educational program and (2) the State agency transfers to the local educational agency in whose program such child participates an amount equal to the sums received by such State agency under this section which are attributable to such child, to be used for the purposes set forth in subsection (c).

(20 U.S.C. 241c-2) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 491, 492.

PROGRAMS FOR MIGRATORY CHILDREN

SEC. 122. (a)(1) A State educational agency or a combination of such agencies, upon application, shall be entitled to receive a grant for any fiscal year under this section to establish or improve, either directly or through local educational agencies, programs of education for migratory children of migratory agricultural workers or of migratory fishermen. The Commissioner may approve such an application only upon his determination—

(A) that payments will be used for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen, and to coordinate these programs and projects with similar programs and projects in other States, including the transmittal of pertinent information with respect to school records of such children;

(B) that in planning and carrying out programs and projects there has been and will be appropriate coordination with programs administered under part B of title III of the Economic Opportunity Act of 1964;

(C) that such programs and projects will be administered and carried out in a manner consistent with the basic objectives of clauses (1)(B) and (3) through (12) of section 141(a); and

(D) that, in planning and carrying out programs and projects, there has been adequate assurance that provision will be made for the preschool educational needs of migratory children of migratory agricultural workers or of migratory fishermen, whenever such agency determines that compliance with this clause will not detract from the operation of programs and projects described in clause (A) of this paragraph after considering the funds available for this purpose.

The Commissioner shall not finally disapprove an application of a State educational agency under this paragraph except after reasonable notice and opportunity for a hearing to the State educational agency.

(2) If the Commissioner determines that a State is unable or unwilling to conduct educational programs for migratory children of migratory agricultural workers or of migratory fishermen, or that it would result in more efficient and economic administration, or that it would add substantially to the welfare or educational attainment of such children, he may make special arrangements with other public or nonprofit private agencies to carry out the purposes of this section in one or more States, and for this purpose he may use all or part of the total of grants available for any such State under this section.

(3) For purposes of this section, with the concurrence of his parents, a migratory child of a migratory agricultural worker or of a migratory fisherman shall be deemed to continue to be such a child for a period, not in excess of five years, during which he resides in the area served by the agency carrying on a program or project under this subsection. Such children who are presently migrant, as determined pursuant to regulations of the Commissioner, shall be given priority in this consideration of programs and activities contained in applications submitted under this subsection.

(b) Except as provided in sections 124 and 125, the total grants which shall be made available for use in any State (other than Puerto Rico) for this section shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by (1) the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State full time, and (2) the full-time equivalent of the estimated number of such migratory children aged five to seventeen, inclusive, who reside in the State part time, as determined by the Commissioner in accordance with regulations, except that if, in the case of any State, such amount exceeds the amount required under subsection (a), the Commissioner shall allocate such excess, to the extent necessary, to other States whose total of grants under this sentence would otherwise be insufficient for all such children to be served in such other States. The total grant which shall be made available for use in Puerto Rico shall be arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States. In determining the number of migrant children for the purposes of this section the Commissioner shall use statistics made available by the migrant student record transfer system or such other system as he may determine most accurately and fully reflects the actual number of migrant students.

(20 U.S.C. 241c-2) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 492, 494.

PROGRAMS FOR NEGLECTED OR DELINQUENT CHILDREN

SEC. 123. (a) A State agency which is directly responsible for providing free public education for children in institutions for neglected or delinquent children or in adult correctional institutions shall be entitled to receive a grant under this section for any fiscal year (but only if grants received under this section are used only for children in such institutions).

(b) Except as provided in sections 124 and 125, the grant which such an agency (other than the agency for Puerto Rico) shall be eligible to receive shall be an amount equal to 40 per centum of the average per pupil expenditure in the State (or (1) in the case where the average per pupil expenditure in the State is less than 80 per centum of the average per pupil expenditure in the United States, of 80 per centum of the average per pupil expenditure in the United States, or (2) in the case where the average per pupil expenditure in the State is more than 120 per centum of the average per pupil expenditure in the United States, of 120 per centum of the average per pupil expenditure in the United States) multiplied by the number of such children in average daily attendance, as determined by the Commissioner, at schools for such children operated or supported by that agency, including schools providing education for such children under contract or other arrangement with such agency, in the most recent fiscal year for which satisfactory data are available. The grant which Puerto Rico shall be eligible to receive under this section shall be the amount arrived at by multiplying the number of children in Puerto Rico counted as provided in the preceding sentence by 40 per centum of (1) the average per pupil expenditure in Puerto Rico or (2) in the case where such average per pupil expenditure is more than 120 per centum of the average per pupil expenditure in the United States, 120 per centum of the average per pupil expenditure in the United States.

(c) A State agency shall use payments under this section only for programs and projects (including the acquisition of equipment and where necessary the construction of school facilities) which are designed to meet the special educational needs of such children.

(20 U.S.C. 241c-3) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 494.

RESERVATION OF FUNDS FOR TERRITORIES

SEC. 124. There is authorized to be appropriated for each fiscal year for purposes of each of sections 121, 122, and 123, an amount equal to not more than 1 per centum of the amount appropriated for such year for such sections for payments to Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands under each such section. The amounts appropriated for each such section shall be allotted among Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands according to their respective need for such grants, based on such criteria as the Commissioner determines will best carry out the purposes of this title.

(20 U.S.C. 241c-4) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 494.

MINIMUM PAYMENTS FOR STATE OPERATED PROGRAMS

SEC. 125. No State shall receive in any fiscal year prior to October 1, 1978, pursuant to sections 121, 122, or 123 an amount which is less than 100 per centum of the amount which that State received in the prior fiscal year pursuant to such section 121, 122, or 123, respectively.[1]

(20 U.S.C. 241c-5) Enacted August 21, 1974, P.L. 93-380. sec. 101, 88 Stat. 495; amended April 21, 1976, P.L. 94-273, sec. 3(8), 90 Stat. 376; amended October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(b)(1)(A), 90 Stat. 2236; P.L. 94-482, Title V, Part A, sec. 501(o), 90 Stat. 2238.

PART B—SPECIAL INCENTIVE GRANTS

MAXIMUM ENTITLEMENT

SEC. 126. (a) In the case of any fiscal year ending after June 30, 1969, each State shall be entitled to a special incentive grant if such State has an effort index for the second preceding fiscal year that exceeds the national effort index for such year.

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[1] **Section 501(b)(2) of Part A of Title V of P.L. 94-482 provides that the amendment made to Section 125 by Section 501(b)(1)(A) of Part A of Title V of P.L. 94-482 shall take effect on July 1, 1975.**

(b) The maximum amount of a special incentive grant for which a State is eligible for any fiscal year shall be determined by multiplying the amount of $1 for each 0.01 per centum by which the effort index of that State for the second preceding fiscal year exceeds the national effort index for such year times the aggregate number of children counted for the purposes of entitled local educational agencies within such State to basic grants in accordance with sections 103(a)(2), 121, 122, and 123, except that no State shall be eligible to receive a special incentive grant under this part, in an amount in excess of 15 per centum of the total amount available for grants under this part.

(20 U.S.C. 241d) Enacted Sept. 30, 1950, c. 1124, Title I, § 121, formerly Title II, § 221, as added and redesignated Jan. 2, 1968, P.L. 90-247, Title I, secs. 103(a)(5), 110, 81 Stat. 786, 787; amended April 13, 1970, P.L. 91-230, Title I, sec. 113(b)(6), 84 Stat. 126; redesignated August 21, 1974, P.L. 93-380, sec. 101(a)(3), 88 Stat. 495; technical amendment clarifying redesignation enacted October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(a)(1), 90 Stat. 2235; further amended October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(b)(1)(B), 90 Stat. 2236.

APPLICATION; USE OF FUNDS

Sec. 127. Any State desiring the special incentive grant to which it is entitled under this part for any fiscal year shall make application therefor, in accordance with the requirements set forth in section 142, to the Commissioner. Such application shall be submitted at such time and contain such information as the Commissioner shall require by regulation and shall contain a statement of such policies and procedures as will insure that funds granted to the State under this part will be (1) made available to local educational agencies within that State which have the greatest need for assistance under this title, and (2) used, in accordance with the applicable provisions of this title, for programs and projects designed to meet the special educational needs of educationally deprived children.

(20 U.S.C. 241d-1) Enacted Sept. 30, 1950, c. 1124, Title I, § 121, formerly Title II, § 221, as added and redesignated Jan. 2, 1968, P.L. 90-247, Title I, secs. 103(a)(5), 110, 81 Stat. 786, 787; amended April 13, 1970, P.L. 91-230, Title I, sec. 113(b)(6), 84 Stat. 126; redesignated August 21, 1974, P.L. 93-380, sec. 101(a)(3), 88 Stat. 495; technical amendment clarifying redesignation enacted October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(a)(1), 90 Stat. 2235.

DEFINITIONS

Sec. 128. For the purpose of this part the term "effort index" when applied to States, means the per centum expressing the ratio of expenditures from all non-Federal sources in a State for public elementary and secondary education to the total personal income in such State, and the term "national effort index" means the per centum expressing the ratio of such expenditures in all States to the total personal income in all States; and the term "State" means the fifty States and the District of Columbia.

(20 U.S.C. 241d-2) Enacted Sept. 30, 1950, c. 1154, Title I, § 121, formerly Title II, § 221, as added and redesignated Jan. 2, 1968, P.L. 90-247, Title I, secs. 103(a)(5), 110, 81, Stat. 786, 787; amended April 13, 1970, P.L. 91-230, Title I, sec. 113(b)(6), 84 Stat. 127; redesignated August 21, 1974, P.L. 93-380, sec. 101(a)(3), 88 Stat. 495; technical amendment clarifying redesignation enacted October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(a)(1), 90 Stat. 2235.

PART C—SPECIAL GRANTS[1]

ELIGIBILITY AND MAXIMUM AMOUNT OF SPECIAL GRANTS

SEC. 181. (a) Each local educational agency in a State which is eligible for a grant under this title for any fiscal year shall be entitled to an additional grant for that fiscal year if it meets the requirements of subsection (b). The amount of such grant shall be determined in accordance with subsection (c).

(b) (1) A local educational agency shall be entitled to a grant under this part for any fiscal year if the school district of such agency is located in a county in which—

(A) the number of children described in paragraph (2) for such year amounts to at least 200 per centum of the average number of such children in all counties in the State in which such agency is located for that fiscal year; or

(B) the number of children so described in such county for such year is 10,000 and amounts to 5 per centum of the total number of children in such county.

(2) For the purposes of paragraph (1), the children counted with respect to a local educational agency shall be those children in the such county who are—

(A) in families having an annual income of $3,000 or less; or

(B) in families receiving an annual income in excess of $3,000 from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act; or

(C) living in institutions for neglected or delinquent children or being supported in foster homes with public funds.

(3) (A) Determinations with respect to numbers of children in any county under paragraph (2) shall be made by the Commissioner on the basis of the most recent satisfactory data available to him.

(B) (i) The number of children determined with respect to one or more counties shall be allocated by the Commissioner, for the purposes of paragraph (2), among the local educational agencies with school districts located in such county or counties.

(ii) In any case where—

(I) two or more local educational agencies serve, in whole or in part, the same geographical area; or

(II) a local educational agency provides free public education for a substantial number of children who reside in the school district of another local educational agency,

the Commissioner may allocate the number of children determined under this subsection among such agencies in such a manner as will best achieve the purposes of this section.

(C) (i) For the purposes of paragraph (2), the Commissioner shall determine the number of children from families having an annual income of $3,000 or less on the basis of the most recent satisfactory data available from the Department of Commerce. At any time such data for a county are available in the Department of Commerce, such data shall be used in making calculations under this subsection.

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[1] Section 101(a)(4)(B) of P.L. 93–380 repeals Part C, effective July 1, 1975.

(ii) For the purposes of this subsection, the Secretary of Health, Education, and Welfare shall determine the number of children from families receiving an annual income in excess of $3,000 from payments under the program of aid to families with dependent children under a State plan approved under title IV of the Social Security Act and the number of children living in institutions for neglected or delinquent children or being supported in foster homes with public funds, on the basis of caseload data for the month of January of the preceding fiscal year, or to the extent that such data are not available to him before April 1 of the calendar year in which the determination is made, then on the basis of the most recent data available to him at the time of such determination. For the purposes of this subsection, the Secretary shall consider all children who are in correctional institutions to be living in institutions for delinquent children.

(c) The amount of the grant to which a local educational agency shall be entitled for any fiscal year shall be—

(A) the number of children determined with respect to such agency under subsection (b);

multiplied by—

(B) 50 per centum of the average per pupil expenditure of all the local educational agencies in the State in which such agency is located.

(d) Notwithstanding any other provision of this section, no payments for any fiscal year under this part to the local educational agencies in a single State shall exceed 12 per centum of the aggregate payments to all local educational agencies in that year under this part.

(e) (1) The aggregate of the amount for which all local educational agencies are eligible under this part shall not exceed $75,000,000 for any fiscal year. If, for any fiscal year, such aggregate, as computed without regard to the preceding sentence, exceeds $75,000,000, the amount for which each local educational agency is eligible shall be reduced ratably until such aggregate does not exceed such limitation.

(2) For the purpose of making payments under this part there are authorized to be appropriated not in excess of $75,000,000 for the fiscal year ending June 30, 1975.

(f) For the purposes of this section, the term—

(1) "State" means the fifty States and the District of Columbia; and

(2) "children" includes all children aged 5 through 17, inclusive.

(20 U.S.C. 241 d-11) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 495, 496.

Part D.—General Provisions

APPLICATION

Sec. 141 (a) A local educational agency may receive a grant under this title for any fiscal year only upon application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish)—

(1) that payment under this title will be used for the excess costs of programs and projects (including the acquisition of

equipment, payments to teachers of amounts in excess of regular salary schedules as a bonus for service in schools eligible for assistance under this title, the training of teachers, and, where necessary, the construction of school facilities and plans made or to be made for such programs, projects, and facilities) (A) which are designed to meet the special educational needs of educationally deprived children in school attendance areas having high concentrations of children from low-income families (and at the discretion of the local educational agency, in any school of such agency not located in such a school attendance area, at which the proportion of children in actual average daily attendance from low-income families is substantially the same as the proportion of such children in such an area of that agency) and (B) which are of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting those needs and to this end involve an expenditure of not less than $2,500, except that the State educational agency may with respect to any applicant reduce the $2,500 requirement if it determines that it would be impossible, for reasons such as distance or difficulty of travel, for the applicant to join effectively with other local educational agencies for the purpose of meeting the requirement; and nothing herein shall be deemed to preclude two or more local educational agencies from entering into agreements, at their option, for carrying out jointly operated programs and projects under this title: *Provided*, That the amount used for plans for any fiscal year shall not exceed 1 per centum of the amount determined for that agency for that year pursuant to section 103 or $2,000, whichever is greater;

(2) that the local educational agency has provided satisfactory assurance that section 141A will be complied with;

(3) That (A) the total educational agency has provided satisfactory assurance that the control of funds provided under this title, and title to property derived therefrom, shall be in a public agency for the uses and purposes provided in this title, and that a public agency will administer such funds and property, (B) Federal funds made available under this title will be so used (i) as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available from non-Federal sources for the education of pupils participating in programs and projects assisted under this title, and (ii) in no case, as to supplant such funds from non-Federal sources, and (C) State and local funds will be used in the district of such agency to provide services in project areas which, taken as a whole, are at least comparable to services being provided in areas in such district which are not receiving funds under this title: *Provided*, That any finding of noncompliance with this clause shall not affect the payment of funds to any local educational agency until the fiscal year beginning July 1, 1972, and *Provided further*, That each local educational agency receiving funds under this title shall report on or before July 1, 1971, and on or

before July 1 of each year thereafter with respect to its compliance with this clause;[1]

(4) In the case of any project for construction of school facilities, that the project is not inconsistent with overall State plans for the construction of school facilities and that the requirements of section 433 of the General Education Provisions Act will be complied with on all such construction projects;

(5) In the case of an application for payments for planning, (A) that the planning was or will be directly related to programs or projects to be carried out under this title and has resulted, or is reasonably likely to result in a program or project which will be carried out under this title, and (B) that planning funds are needed because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary to plan adequately for programs and projects to be carried out under this title;

(6) That effective procedures, including provisions for appropriate objective measurements of educational achievement, will be adopted for evaluating at least annually the effectiveness of the programs in meeting the special educational needs of educationally deprived children;

(7) That the local educational agency will make an annual report and such other reports to the State educational agency, in such form and containing such information (which in the case of reports relating to performance is in accordance with specific performance criteria related to program objectives), as may be reasonably necessary to enable the State educational agency to perform its duties under this title, including information relating to the educational achievement of students participating in programs carried out under this title, and will keep such records and afford such access thereto as the State educational agency may find necessary to assure the correctness and verification of such reports;

(8) That the local educational agency is making the application and all pertinent documents related thereto available to parents and other members of the general public and that all evaluations and reports required under paragraph (7) shall be public information;

(9) In the case of a project for the construction of school facilities, that, in developing plans for such facilities due consideration has been given to compliance with such standards as the Secretary may prescribe or approve in order to insure that facilities constructed with the use of Federal funds under this title shall be, to the extent appropriate in view of the uses to be made of the facilities, accessible to and usable by handicapped persons;

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[1] Sec. 109(b) of Public Law 91–230 reads as follows:

"(b) The amendment made by subsection (a) shall be effective with respect to all applications submitted to State educational agencies after thirty days after the date of enactment of this Act. Nothing in this section shall be construed to authorize the supplanting of State and local funds with Federal funds prior to the effective date of the amendment made by this section."

(10) That effective procedures will be adopted for acquiring and disseminating to teachers and administrators significant information derived from educational research, demonstration, and similar projects, and for adopting, where appropriate, promising educational practices developed through such projects;

(11) In the case of a project for the construction of school facilities, that, in developing plans for such facilities, due consideration has been given to excellence of architecture and design, and to the inclusion of works of art (not representing more than 1 per centum of the cost of the project);

(12) In the case of projects involving the use of education aides, the local educational agency sets forth well-developed plans providing for coordinated programs of training in which education aides and the professional staff whom they are assisting will participate together;

(13) That, where a school attendance area does not meet the requirement of paragraph (1)(A) of this subsection for a fiscal year, or in the case of a local educational agency electing to allocate funds under section 150 where such an area does not meet the requirement of that section, but did meet the appropriate requirement in either of the two preceding fiscal years, that school attendance area shall be considered to meet the applicable criterion for that fiscal year; and

(14) That the local educational agency shall establish an advisory council for the entire school district and shall establish an advisory council for each school of such agency served by a program or project assisted under section 143(a)(2), each of which advisory councils—

(A) has as a majority of its members parents of the eligible children to be served,

(B) is composed of members selected by the parents in each school attendance area,

(C) has been given responsibility by such agency for advising it in the planning for, and the implementation and evaluation of, such programs and projects, and

(D) is provided by such agency, in accordance with regulations of the Commissioner, with access to appropriate information concerning such programs and projects.

(b) It is the intent of the Congress to encourage, where feasible, the development for each educationally deprived child participating in a program under this title of an individualized written educational plan (maintained and periodically evaluated), agreed upon jointly by the local educational agency, a parent or guardian of the child, and when appropriate, the child.

(c) The State educational agency shall not finally disapprove in whole or in part any application for funds under this title without first affording the local educational agency submitting the application reasonable notice and opportunity for a hearing.

(20 U.S.C. 241e) Enacted April 11, 1965, P.L. 89-10, Title I, sec. 2, 79 Stat. 30; amended Nov. 3, 1966, P.L. 89-750, Title I, secs. 103(b), 106(b)(1), (2), 110, 111(a)-(e), 80 Stat. 1192, 1195, 1196; redesignated and amended Jan 2, 1968, P.L. 90-247, Title I, secs. 103(b), 106, 108(a)(2), 109, 110, 81 Stat. 783, 784, 786,

787; redesignated and amended April 13, 1970, P.L. 91-230, Title I, secs. 108, 109(a), 110, 111(b), 113(b)(3), (4), (7), 84 Stat. 124-126, 128; amended June 23, 1972, P.L. 92-318, sec. 507(a) and (b), 86 Stat. 352; amended August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 496, 497; amended October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(b)(1)(C), 501(b)(1)(D), 90 Stat. 2236.

PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

Sec. 141A. (a) To the extent consistent with the number of educationally deprived children in the school district of the local educational agency who are enrolled in private elementary and secondary schools, such agency shall make provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services and equipment) in which such children can participate and meeting the requirements of clauses (A) and (B) of paragraph (1) of subsection (a) of section 141, paragraph (2) of subsection (a) of such section, and clauses (A) and (B) of paragraph (3) of subsection (a) of such section 141.

(b)(1) If a local educational agency is prohibited by law from providing for the participation in special programs for educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), the Commissioner shall waive such requirement and the provisions of section 141(a)(2), and shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a).

(2) If the Commissioner determines that a local educational agency has substantially failed to provide for the participation on an equitable basis of educationally deprived children enrolled in private elementary and secondary schools as required by subsection (a), he shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of subsection (a), upon which determination the provisions of paragraph (a) and section 141 (a)(2) shall be waived.

(3) When the Commissioner arranges for services pursuant to this section, he shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate allocation or allocations under this title.

(4) (A) the Commissioner shall not take any final action under this section until he has afforded the State educational agency and local educational agency affected by such action at least sixty days notice of his proposed action and an opportunity for a hearing with respect thereto on the record.

(B) If a State or local educational agency is dissatisfied with the Commissioner's final action after a hearing under subparagraph (A) of this paragraph, it may within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(C) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(D) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(20 U.S.C. 241e-1) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 497, 498.

ASSURANCES FROM STATES

SEC. 142. (a) Any State desiring to participate under this title (except with respect to the program provided for in section 122 relating to migratory children of migratory agricultural workers) shall submit through its State educational agency to the Commissioner an application, in such detail as the Commissioner deems necessary, which provides satisfactory assurance—

(1) that, except as provided in section 143(b), payments under this title will be used only for programs and projects which have been approved by the State educational agency pursuant to section 141(a) and which meet the applicable requirements of that section and of section 121 and that such agency will in all other respects comply with the provisions of this title, including the enforcement of any obligations imposed upon a local educational agency under section 141(a);

(2) that such fiscal control and fund accounting procedures will be adopted as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this title; and

(3) that the State educational agency will make to the Commissioner (A) periodic reports (including the results of objective measurements required by section 141(a)(6) and of research and replication studies) evaluating the effectiveness of payments under this title and of particular programs assisted under it in improving the educational attainment of educationally deprived children, and (B) such other reports as may be reasonably necessary to enable the Commissioner to perform his duties under this title (including such reports as he may require to determine the amounts which the local educational agencies of that State are eligible to receive for any fiscal year), and assurance that such agency will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner shall approve an application which meets the requirements specified in subsection (a), and he shall not finally disapprove an application except after reasonable notice and opportunity for a hearing to the State educational agency.

(20 U.S.C. 241f) Enacted April 11, 1965, P.L. 89–10, Title I, sec. 2, 79 Stat. 31; amended Nov. 1, 1965, P.L. 89–313, sec. 6(b), 79 Stat. 1162; amended Nov. 3, 1966, P.L. 89–750, Title I, sec. 103(c)(1), 80 Stat. 1193; redesignated and amended Jan. 2, 1968, P.L. 90–247, Title I, secs. 103(c), 108(a)(2), 110, 81 Stat. 783, 786, 787; redesignated and amended April 13, 1970, P.L. 91–230, Title I, secs. 111(a), 113(b)(3), (4), 84 Stat. 125, 126.

PAYMENT

Sec. 143. (a)(1) The Commissioner shall, subject to the provisions of section 144, from time to time pay to each State, in advance or otherwise, the amount which it and the local educational agencies of that State are eligible to receive under this title. Such payments shall take into account the extent (if any) to which any previous payment to such State educational agency under this title (whether or not in the same fiscal year) was greater or less than the amount which should have been paid to it.

(2) From the funds paid to it pursuant to paragraph (1) each State educational agency shall distribute to each local educational agency of the State which is not ineligible by reason of section 103(b) and which has submitted an application approved pursuant to section 141(a) the amount for which such application has been approved except that this amount shall not exceed the amount determined for that agency pursuant to section 103.

(b) The Commissioner is authorized to pay to each State amounts equal to the amounts expended by it for the proper and efficient performance of its duties under this title (including technical assistance for the measurements and evaluations required by section 141(a)(6), except that the total of such payments in any fiscal year shall not exceed—

(1) 1 per centum of the amount allocated to the State and its local educational agencies as determined for that year under this title; or

(2) $150,000, or $25,000 in the case of Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands, whichever is the greater.

(c)(1) No payments shall be made under this title for any fiscal year to a State which has taken into consideration payments under this title in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort per student or the aggregate expenditures (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort per student or the aggregate expenditures for that purpose for the second preceding fiscal year.

(20 U.S.C. 241g) Enacted April 11, 1965, P.L. 89–10, Title I, sec. 2, 79 Stat. 32; amended Nov. 1, 1965, P.L. 89–313, sec. 7(a), 79 Stat. 1162; amended Nov. 3, 1966, P.L. 89–750, Title I, secs. 103(c)(2), 108(b)(3), 112, 113(a), 80 Stat. 1193, 1195, 1197; redesignated and amended Jan. 2, 1968, P.L. 90–247, Title I, secs. 102, 103(c), 108(a)(2), 110, 81 Stat. 783, 786, 787; redesignated and amended April 13, 1970, P.L. 91–230, Title I, secs. 113(b)(3), (4), (8), 114, 84 Stat. 126, 129, 130; amended October 12, 1976, P.L. 94–482, Title III, Part B, sec. 323(a)(1), 90 Stat. 2217.

ADJUSTMENTS WHERE NECESSITATED BY APPROPRIATIONS

SEC. 144. If the sums appropriated for any fiscal year for making the payments provided in this title are not sufficient to pay in full the total amounts which all local and State educational agencies are entitled to receive under this title for such year, the amount available for each grant to a State agency eligible for a grant under section 121, 122, or 123 shall be equal to the total amount of the grant as computed under each such section. If the remainder of such sums available after the application of the preceding sentence is not sufficient to pay in full the total amounts which all local educational agencies are entitled to receive under part A of this title for such year, the allocations to such agencies and allocations under part B shall, subject to adjustments under the next sentence, be ratably reduced to the extent necessary to bring the aggregate of such allocations within the limits of the amount so appropriated, except that entitlements under such part B shall be taken into consideration only to the extent that appropriations for such title I (excluding part C thereof) exceed $1,396,975,000 for any fiscal year and such entitlements shall not exceed $50,000,000 in any fiscal year. The allocation of a local educational agency which would be reduced under the preceding sentence to less than 85 per centum of its allocation under part A for the preceding fiscal year, shall be increased to such amount, the total of the increases thereby required being derived by proportionately reducing the allocations of the remaining local educational agencies, under the preceding sentence, but with such adjustments as may be necessary to prevent the allocation to any remaining local educational agency from being thereby reduced to less than 85 per centum of its allocation for such year. If the aggregate of the amounts to which all States are entitled under such part B exceeds $50,000,000 the entitlement of each State shall be reduced ratably until such aggregate does not exceed $50,000,000 in such fiscal year.

In case additional funds become available for making payments under this title or that year, such reduced amounts shall be increased on the same basis that they were reduced. In order to permit the most effective use of all appropriations made to carry out this title, the Commissioner may set dates by which (1) State educational agencies must certify to him the amounts for which the applications of educational agencies have been or will be approved by the State, and (2) State educational agencies referred to in section 122 must file applications. If the maximum grant a local educational agency or an agency referred to in section 122 would receive (after any ratable reduction which may have been required under the first sentence of this section) is more than an amount which the State educational agency determines, in accordance with regulations prescribed by the Commissioner, such agency will use, the excess amount shall be made available first to educational agencies in that State. Determinations of the educational agencies to which such excess amounts shall be made available shall be made by the State educational agency in furtherance of the purposes of this title in accordance with criteria prescribed by the Commissioner which are designed to assure that such excess amounts will be made available to other eligible educational agencies with the greatest need, for the purpose of, where appropriate, redressing inequities inherent in, or mitigating hardships caused by, the application of the provisions of paragraph (2) of section 103(a) as a result of such factors as population shifts and changing economic circumstances. In the event excess amounts remain after carrying out the preceding two sentences of this section, such excess amounts shall be distributed among the other States as the Commissioner shall prescribe for use by local educational agencies in such States for the purposes of this title in such manner as the respective State educational agencies shall prescribe.

(20 U.S.C. 241h) Enacted April 11, 1965, P.L. 89-10, sec. 2, 79 Stat. 33; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 114, 80 Stat. 1197; redesignated and amended Jan. 2, 1968, P.L. 90-247, Title I, secs. 107(b), 110, 81 Stat. 785, 787; redesignated and amended April 13, 1970, P.L. 91-230, Title I, sec. 113(b)(3), (4)(c), and (d), 84 Stat. 126, 129; amended August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 496, 499.

WITHHOLDINGS

SEC. 146. Whenever the Commissioner, after reasonable notice and opportunity for hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in the application of that State approved under section 122 or 142(b) the Commissioner shall notify the agency that further payments will not be made to the State under this title (or, in his discretion, that the State educational agency shall not make further payments under this title to specified local educational agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to the State under this title, or payments by the State educational agency under this title shall be limited to local educational agencies not affected by the failure, as the case may be.

(20 U.S.C. 241j) Enacted April 11, 1965, P.L. 89-10, Title I, sec. 2, 79 Stat. 33; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 108(c)(3), 80 Stat. 1198; redesignated and amended Jan. 2, 1968, P.L. 90-247, Title I, secs. 108(a)(4), (b), 110, 81 Stat. 786, 787; amended and redesignated April 13, 1970, P.L. 91-230, Title I, sec. 113(b)(4), (9), 84 Stat. 126, 129.

JUDICIAL REVIEW

SEC. 147. (a) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its application submitted under section 122 or 142(b) or with his final action under section 146, such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

(b) The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(c) Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(20 U.S.C. 241k) Enacted April 11, 1965, P.L. 89-10, Title I, sec. 2, 79 Stat. 33; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 103(c) (4), 80 Stat. 1198; redesignated and amended Jan. 2, 1968, P.L. 90-247, Title I, secs. 108(a) (4), (b), 110, 81 Stat. 786, 787; amended and redesignated April 13, 1970, P.L. 91-230, Title I, sec. 113(b) (4), (10), 84 Stat. 126, 12[illegible].

NATIONAL ADVISORY COUNCIL

SEC. 148. (a) There shall be a National Advisory Council on the Education of Disadvantaged Children (hereinafter in this section referred to as the "National Council") consisting of fifteen members appointed by the President, without regard to the provisions of title 5, United States Code, governing appointment in the competitive service, for terms of three years, except that (1) in the case of initial members, five shall be appointed for terms of one year each and five shall be appointed for terms of two years each, and (2) appointments to fill vacancies shall be only for such terms as remain unexpired. The National Council shall meet at the call of the Chairman.

(b) The National Council shall review and evaluate the administration and operation of this title, including its effectiveness in improving the educational attainment of educationally deprived children, including the effectiveness of programs to meet their occupational and career needs, and make recommendations for the improvement of this title and its administration and operation. These recommendations shall take into consideration experience gained under this and other Federal educational programs for disadvantaged children and, to the extent appropriate, experience gained under other public and private educational programs for disadvantaged children.

(c) The National Council shall make such reports of its activities, findings, and recommendations (including recommendations for changes in the provisions of this title) as it may deem appropriate and shall make an annual report to the President and the Congress not later than March 31 of each calendar year. Such annual report shall include a report specifically on which of the various compensatory education programs funded in whole or in part under the provisions of this title, and of other public and private educational programs for educationally deprived children, hold the highest promise for raising the educational attainment of these educationally deprived children. The President is requested to transmit to the Congress such comments and recommendations as he may have with respect to such report. Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until October 1, 1978.

(20 U.S.C. 241l) Enacted April 11, 1965, P.L. 89-10, Title I, sec. 2, 79 Stat. 34; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 115, 80 Stat. 1197; redesignated and amended Jan. 2, 1968, P.L. 90-247, Title I, secs. 108(a) (4), 110, 114, 81 Stat. 786-788; amended and redesignated April 13, 1970, P.L. 91-230, Title I, secs. 112, 113(b) (4), 84 Stat. 125, 126; amended August 21, 1974, P.L. 93-380, sec. 845(a), 88 Stat. 612; amended April 21, 1976, P.L. 94-273, sec. 3(8), 90 Stat. 376.

TREATMENT OF EARNINGS FOR PURPOSES OF AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 149. (a) Notwithstanding the provisions of title IV of the Social Security Act, a State plan approved under section 402 of such Act shall provide that for a period of not less than twelve months, and may provide that for a period of not more than twenty-four months, the first $85 earned by any person in any month for services rendered to any program assisted under this title of this Act shall not be regarded (A) in determining the need of such person under such approved State plan or (B) in determining the need of any other individual under such approved State plan.

(b) Notwithstanding the provisions of subsection (a) of this section, no funds to which a State is otherwise entitled under title IV of the Social Security Act for any period before the fourth month after the adjournment of the State's first regular legislative session which adjourns more than sixty days after enactment of the Elementary and Secondary Education Amendments of 1966, shall be withheld by reason of any action taken pursuant to a State statute which prevents such State from complying with the requirements of subsection (a) of this section.

(20 U.S.C. 241m) Enacted Nov. 3, 1966, P.L. 89–750, Title I, sec. 109, 80 Stat. 1195; redesignated Jan. 2, 1968, P.L. 90–247, Title I, secs. 108(a)(4), 110, 81 Stat. 786, 787; redesignated April 13, 1970, P.L. 91–230, Title I, sec. 113(b)(4), 84 Stat. 128.

ALLOCATION OF FUNDS WITHIN THE SCHOOL DISTRICT OF A LOCAL EDUCATIONAL AGENCY

SEC. 150. (a) For any fiscal year not more than 20 local educational agencies selected for the purpose of section 821(a)(5) of the Education Amendments of 1974 may elect, with the approval of the district-wide parent advisory council which is required to be established under section 141(a)(14) of this title, to allocate funds received from payments under this title on the basis of a method or combination of methods other than the method provided under section 141(a)(1)(A). Any method selected pursuant to this section shall be so designed and administered as to be free from racial or cultural discrimination.

(b) Any local educational agency to which this section applies shall submit such reports to the Director of the National Institute of Education at such time and in such manner as the Director may reasonably require to carry out his responsibilities under section 821(a)(5) of the Education Amendments of 1974.

(20 U.S.C. 241n) Enacted August 21, 1974, P.L. 93–380, sec. 101, 88 Stat. 498.

PROGRAM EVALUATION

SEC. 151. (a) The Commissioner shall provide for independent evaluations which describe and measure the impact of programs and projects assisted under this title. Such evaluations may be provided by contract or other arrangements, and all such evaluations shall be made by competent and independent persons, and shall include, whenever possible, opinions obtained from program or project participants about the strengths and weaknesses of such programs or projects.

(b) The Commissioner shall develop and publish standards for evaluation of program or project effectiveness in achieving the objectives of this title.

(c) The Commissioner shall, where appropriate, consult with State agencies in order to provide for jointly sponsored objective evaluation studies of programs and projects assisted under this title within a State.

(d) The Commissioner shall provide to State educational agencies, models for evaluations of all programs conducted under this title, for their use in carrying out their functions under section 142(a), which shall include uniform procedures and criteria to be utilized by local educational agencies, as well as by the State agency in the evaluation of such programs.

(e) The Commissioner shall provide such technical and other assistance as may be necessary to State educational agencies to enable them to assist local educational agencies in the development and application of a systematic evaluation of programs in accordance with the models developed by the Commissioner.

(f) The models developed by the Commissioner shall specify objective criteria which shall be utilized in the evaluation of all programs and shall outline techniques (such as longitudinal studies of children involved in such programs) and methodology (such as the use of tests which yield comparable results) for producing data which are comparable on a statewide and nationwide basis.

(g) The Commissioner shall make a report to the respective committees of the Congress having legislative jurisdiction over programs authorized by this title and the respective Committees on Appropriations concerning his progress in carrying out this section not later than February 1, 1975, and thereafter he shall report to such committees no later than February 1 of each calendar year the results of the evaluations of programs and projects required under this section, which shall be comprehensive and detailed, as up-to-date as possible, and based to the maximum extent possible on objective measurements, together with any other related findings and evaluations, and his recommendations with respect to legislation.

(h) The Commissioner shall also develop a system for the gathering and dissemination of results of evaluations and for the identification of exemplary programs and projects, or of particularly effective elements of programs and projects, and for the dissemination of information concerning such programs and projects or such elements thereof to State and local educational agencies responsible for the design and conduct of programs and projects under this title, and to the education profession and the general public.

(i) The Commissioner is authorized, out of funds appropriated to carry out this title in any fiscal year, to expend such sums as may be necessary to carry out the provisions of this section, but not to exceed one-half of 1 per centum of the amount appropriated for such program, of which $5,000,000 for each fiscal year ending prior to October 1, 1977, shall be available only for the surveys and studies authorized by section 821 of the Education Amendments of 1974. In carrying out the provisions of this section, the Commissioner shall place priority on assisting States and local educational agencies to conduct evaluations and shall, only as funds are available after fulfilling that purpose, seek to conduct any national evaluations of the program.

(20 U.S.C. 241o) Enacted August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 499, 500; amended April 21, 1976, P.L. 94-273, sec. 3(8), 90 Stat. 376; further amended October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(b)(1)(E), 90 Stat. 2236; further amended October 12, 1976, P.L. 94-482, Title V, Part A, sec. 501(p), 90 Stat. 2238.

SHORT TITLE

SEC. 152. This title my be cited as "Title I of the Elementary and Secondary Education Act of 1965."

Enacted Nov. 3, 1966, P.L. 89-750, Title I, sec. 116, 80 Stat. 1198; redesignated Jan. 2, 1968, P.L. 90-247, Title I, secs. 108(a)(4), 110, 81 Stat. 786, 787; redesignated April 13, 1970, P.L. 91-230, sec. 113(b)(4), 84 Stat. 126; redesignated August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 499.

TITLE IV (P.L. 81-874)—GENERAL

ADMINISTRATION

SEC. 401.[1] (a) (Repealed).

(b) The Commissioner shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

(c) The Commissioner shall include in his annual report to the Congress a full report of the administration of his functions under this Act, including a detailed statement of receipts and disbursement.

(20 U.S.C. 242) Enacted Sept. 30, 1950, c. 1124, P.L. 874, 81st Cong., sec. 7, 64 Stat. 1107; redesignated as Title III, sec. 301, April 11, 1965, P.L. 89-10, Title I, sec. 3(c)(1), 79 Stat. 35; amended Nov. 3, 1966, P.L. 89-750, Title II, sec. 205, 80 Stat. 1212; subsection (a) repealed April 13, 1970, P.L. 91-230, Title IV, sec. 401(f)(1) and superseded by sec. 422 of P.L. 90-247, Title IV, as amended (20 U.S.C. 1232a); redesignated June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334.

USE OF OTHER FEDERAL AGENCIES; TRANSFER AND AVAILABILITY OF APPROPRIATIONS

SEC. 402. (a) In carrying out his functions under this Act, the Commissioner is authorized, pursuant to proper agreement with any other Federal department or agency, to utilize the services and facilities of such department or agency, and, when he deems it necessary or appropriate, to delegate to any officer or employee thereof the function under section 6 of making arrangements for providing free public education. Payment to cover the cost of such utilization or of carrying out such delegated function shall be made either in advance or by way of reimbursement, as may be provided in such agreement.

(b) All Federal departments or agencies administering Federal property on which children reside, and all such departments or agencies principally responsible for Federal activities which may occasion assistance under title I, shall to the maximum extent practicable comply with requests of the Commissioner for information he may require in carrying out the purposes of title I.

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[1] Title IV and section 401 of the Act of Sept. 30, 1950, P.L. 81-874. References in this title to Title I of the Elementary and Secondary Education Act of 1965, are to its original designation on enactment, "Title II" of Public Law 81-874.

Provisions of this title (as well as provisions of other acts) repealed by P.L. 91-230 are superseded by provisions of the General Education Provisions Act, as added by Title IV of P.L. 91-230, amendments to Title IV of P.L. 90-247.

(c) Such portion of the appropriations of any other department or agency for the fiscal year ending June 30, 1951, as the Director of the Bureau of the Budget determines to be available for the same purposes as title I, shall, except to the extent necessary to carry out during such year contracts made prior to the enactment of title I, be transferred to the Commissioner for use by him in carrying out such purposes.

(d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available for the employment of teaching personnel for the provision of free public education for children in any State or for payments to any local educational agency (directly or through the State educational agency) for free public education for children, except that nothing in the foregoing provisions of this subsection shall affect the availability of appropriations for the maintenance and operation of school facilities (1) on Federal property under the control of the Atomic Energy Commission or (2) by the Bureau of Indian Affairs, or the availability of appropriations for the making of payments directed to be made by section 91 of the Atomic Energy Community Act of 1955, as amended, or the availability of appropriations under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., sec. 452).

(20 U.S.C. 243) Enacted Sept. 30, 1950, c. 1124, P.L. 874, 81st Cong., Title III, sec. 302, formerly sec. 8, 64 Stat. 1108; amended Aug. 8, 1953, c. 402, P.L. 248, 83d Cong., sec. 9, 67 Stat. 536; amended Aug. 4, 1955, c. 548, c. 11, P.L. 221, 84th Cong., sec. 202, 69 Stat. 485; amended Aug. 12, 1955, c. 868, P.L. 382, 84th Cong., sec. 1, 69 Stat. 713; amended Aug. 3, 1956, c. 915, P.L. 949, 84th Cong., Title II, sec. 210, 70 Stat. 972; amended Aug. 12, 1958, P.L. 85-620, Title II, sec. 204, 72 Stat. 560; redesignated and amended April 11, 1965, P.L. 89-10, Title I, sec. 3(c), 79 Stat. 35; amended April 13, 1970, P.L. 91-230, Title IV, sec. 401(c)(1), 84 Stat. 173. Repealed provision superseded by sec. 411 of P.L. 90-247, Title IV, as amended (20 U.S.C. 1231(a)); redesignated June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334.

DEFINITIONS

SEC. 403. For the purposes of this Act—

(1) The term "Federal property" means real property which is owned by the United States or is leased by the United States, and which is not subject to taxation by any State or any political subdivision of a State or by the District of Columbia. Such term includes (A) except for purposes of section 6, real property held in trust by the United States for individual Indians or Indian tribes, and real property held by individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States, (B) for one year beyond the end of the fiscal year in which occurred the sale or transfer thereof by the United States, any property considered prior to such sale or transfer to be Federal property for the purposes of this act, (C) any low-rent housing whether or not owned by the United States which is part of a low-rent housing project assisted under the United States Housing Act of 1937, section 516 of the Housing Act of 1949, or part B of title III of the Economic Opportunity Act of 1964, and (D) any school which is providing flight training to members of the Air Force under contractual arrangements

with the Department of the Air Force at an airport which is owned by a State or a political subdivision of a State. Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia. Notwithstanding the foregoing provisions of this paragraph, such term does not include any real property under the jurisdiction of the Post Office Department and used primarily for the provision of postal services.

(2) The term "child," except as used in title II, means any child who is within the age limits for which the applicable State provides free public education.

(3) The term "parent" includes a legal guardian or other person standing in loco parentis.

(4) The term "free public education" means education which is provided at public expense, under public supervision and direction, and without tuition charge, and which is provided as elementary or secondary school education in the applicable State, except that for the purposes of title II such term does not include any education provided beyond grade 12.

(5) The term "current expenditures" means expenditures for free public education, including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities, but not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds granted under title II of this Act or title II or III of the Elementary and Secondary Education Act of 1965.

(6) (A) For purposes of title I, the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district located within a State. Such term includes any State agency which directly operates and maintains facilities for providing free public education.

(B) For purposes of title II, the term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools. Such term includes any other public institution or agency having administrative control and direction of a public elementary or secondary school, and it also includes (except for purposes of sections 203(a)(2), 203(b), and 205(a)(1)) any State agency which is directly responsible for providing free public education for handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children who by reason thereof require special education) or for children in institutions for neglected or delinquent children.

(7) The term "State educational agency" means the officer or agency primarily responsible for the State supervision of public elementary and secondary schools.

(8) The term "State" means a State, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, or the Virgin Islands, and for purposes of title II, such term includes the Trust Territory of the Pacific Islands.

(9) The terms "Commissioner of Education" and "Commissioner" means the United States Commissioner of Education.

(10) Average daily attendance shall be determined in accordance with State law, except that (A) the average daily attendance of children with respect to whom payment is to be made under section 3 or 4 of this Act shall be determined in accordance with regulations of the Commissioner, and (B) not withstanding any other provision of this Act, where the local educational agency of the school district in which any child resides makes or contracts to make a tuition payment for the free public education of such child in a school situated in another school district, for purposes of this Act the attendance of such child at such school shall be held and considered (i) to be attendance at a school of the local educational agency so making or contracting to make such tuition payment, and (ii) not to be attendance at a school of the local educational agency receiving such tuition payment or entitled to receive such payment under the contract.

(11) The term "county" means those divisions of a State utilized by the Secretary of Commerce in compiling and reporting data regarding counties.

(12) The term "construction" includes the preparation of drawings and specifications for school facilities; erecting, building, acquiring, altering, remodeling, improving, or extending school facilities; and the inspection and supervision of the construction of school facilities.

(13) The term "school facilities" means classrooms and related facilities (including initial equipment) for free public education and interests in land (including site, grading, and improvements) on which such facilities are constructed, except that such term does not include those gymnasiums and similar facilities intended primarily for exhibitions for which admission is to be charged to the general public.

(14) The term "equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services, including items such as instructional equipment and necessary furniture, printed, published, and audio-visual instructional materials, and books, periodicals, documents, and other related materials.

(15) For the purpose of title II, the term "elementary school" means a day or residential school which provides elementary education, as determined under State law, and the term "secondary school" means a day or residential school which provides secondary education, as determined under State law, except that it does not include any education provided beyond grade 12.

(16) For purposes of title II, the "average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or if satisfactory data for that year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available, of all local educational agencies as defined in section 403(6)(B) in the State, or in the United States (which for the purposes of this subsection means the fifty States, and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

(17) For the purposes of title II, "excess costs" means those costs directly attributable to programs and projects which exceed the average per pupil expenditure of a local educational agency in the most recent year for which satisfactory data are available for pupils in the grade or grades included in such programs or projects (but not including expeditures for any comparable State or local special programs, for educationally deprived children or expenditures for bilingual programs or special education for handicapped children or children with specific learning disabilities, if such expenditures for bilingual education and special education are used to provide, to children of limited English-speaking ability and handicapped children, and children with specific learning disabilities who reside in title I project areas, services which are comparable to those provided to similarly disadvantaged children residing in nonproject areas).

(20 U.S.C. 244) Enacted Sept. 30, 1950, c. 1124, P.L. 874, 81st Cong., Title III, sec. 303, formerly sec. 9, 64 Stat. 1106; amended Aug. 8, 1953, c. 402, P.L. 248, 83d Cong., sec. 10, 67 Stat. 536; amended Aug. 1, 1956, c. 852, P.L. 896, 84th Cong., sec. 10, 70 Stat. 909; amended Aug. 3, 1956, c. 915, P.L. 949, 84th Cong., Title II, sec. 211, 70 Stat. 972; amended Aug. 12, 1958, P.L. 85-620, Title II, sec. 205, 72 Stat. 560; amended June 25, 1959, P.L. 86-70, sec. 18(d)(4), 73 Stat. 145; amended July 12, 1960, P.L. 86-624, sec. 14(d)(4), 74 Stat. 414; amended Oct. 16, 1964, P.L. 88-665, Title XI, sec. 1102(b), 78 Stat. 1109; redesignated, and amended April 11, 1965, P.L. 89-10, Title I, secs. 3(c)(1), 4(a)-(c), (d)(1), (e), 79 Stat. 35; amended Nov. 1, 1965, P.L. 89-313, sec. 6(c), 79 Stat. 1162; amended Nov. 3, 1966, P.L. 89-750, Title I, sec. 117(a)(1), (b), Title II, sec. 206, 80 Stat. 1198, 1199, 1213; amended Jan. 2, 1968, P.L. 90-247, Title II, sec. 201, 81 Stat. 806; amended April 13, 1970, P.L. 91-230, Title II, sec. 203(b), 84 Stat. 156. Amendment effective after June 30, 1970; redesignated June 23, 1972, P.L. 92-318, sec. 411, 86 Stat. 334; amended August 21, 1974, P.L. 93-380, sec. 101, 88 Stat. 501.

Appendix 2

federal register

TUESDAY, SEPTEMBER 28, 1976

PART IV:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED, NEGLECTED AND DELINQUENT CHILDREN

Reorganization

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED AND NEGLECTED AND DELINQUENT CHILDREN

Reorganization

In accordance with Section 503 of the Education Amendments of 1972 (Pub. L. 92-318) and pursuant to the authority of Title I of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241a, et seq.), a notice of proposed rulemaking was published in the FEDERAL REGISTER on March 11, 1975,' (40 FR 11473) setting forth (a) in proposed 45 CFR Part 116, the general requirements for local and State educational agencies and certain other State agencies for participation in financial assistance provided under Title I of the Elementary and Secondary Education Act, and (b) in proposed 45 CFR Part 116a, specific requirements for the participation in such assistance of local educational agencies having jurisdiction over school districts or similar political subdivisions in their respective States.

Parts 116b, 116c, and 116d will be published separately.

At present there are no guidelines related to Parts 116 or 116a. Should such guidelines be issued in the future, they will be published in the FEDERAL REGISTER and will be limited to material in the nature of suggestions or recommended courses of action for meeting certain mandatory requirements set forth in the regulations.

1. *Program purposes.* Title I of the Elementary and Secondary Education Act, as amended, provides financial assistance to local educational agencies for programs to meet the special educational needs of educationally deprived children in low-income areas; to State agencies to meet the special educational needs of handicapped and neglected or delinquent children; and to State educational agencies for educational programs for migratory children of migratory agricultural workers or of migratory fishermen; and to such agencies for the administration throughout their respective States of financial assistance provided under Title I.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and to publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders with an opportunity for public hearing on the matters so published. The regulations below reflect the results of this study as it pertains to the program under Title I of the Elementary and Secondary Education Act, as amended. All preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part 116 will be superseded when this regulation becomes effective.

3. *Effect of Office of Education General Provisions Regulations.* General fiscal and administrative rules for the programs are covered under the overall Office of Education General Provisions Regulations, published in the FEDERAL REGISTER at 38 FR 30654 (November 6, 1973), and now set forth in 45 CFR Parts 100-100c, in connection with the same study under Section 503 of the Education Amendments of 1972 of which this publication is a part. (Reference is made in particular to the provisions of Part 100b of Title 45 CFR, containing general provisions for State administered programs, which would be applicable to the programs under Title I of the Elementary and Secondary Education Act, as amended.)

4. *Reorganization of Part 116.* Part 116 has been limited to those provisions that are applicable to all grantees, including State educational agencies in their administrative capacities, under Title I of the Act. Also, a number of provisions have been deleted and are now incorporated in the Commissioner's general regulations in Part 100b of Title 45. Each of the four new parts contains provisions which are applicable to grantees in one of the four categories specified in the legislation, as follows: 116a—Local educational agencies, 116b—State agencies directly responsible for providing free public education for handicapped children, 116c—State agencies directly responsible for providing free public education for children in institutions for neglected or delinquent children, and 116d—State educational agencies as applicants for grants for educational programs and projects for migratory children of migratory agricultural workers or of migratory fishermen. Under the proposed five-part organization of the regulations, a grantee agency would be able to refer to Part 116 and the appropriate part designated for such agency.

5. *Amendments made by Pub. L. 93-380.* The regulation set forth below reflects and implements amendments made to Title I of the Elementary and Secondary Education Act by Pub. L. 93-380, the Education Amendments of 1974. In particular, the regulation makes conforming changes in, or additions to, the current regulation relating to allocation of funds; participation of children enrolled in private schools; special grants (part C of Title I); comparability; parent advisory committees; designation of project areas; use of funds for training; and other matters affected by Pub. L. 93-380. (Changes in the regulation to conform to Pub. L. 93-380 with regard to State agency programs to meet the special educational needs of handicapped children; neglected or delinquent children; and migratory children of migratory agricultural workers or of migratory fishermen will be published separately as parts 116b, 116c, and 116d, respectively.)

6. *Citations of legal authority.* As reqired by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232 (a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

7. *Opportunity for public comment.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner provided interested parties an opportunity for a public hearing on the proposed regulations on April 10, 1975. The purpose of the hearing was to receive comments and suggestions on the published materials. Additionally, an opportunity was provided to submit written comments and suggestions. Written comments were received from officials in 28 States and 144 local educational agencies, representatives of eight organizations, and numerous individuals. Additionally, informal comments were received at three regional meetings for State administrators and at a national meeting for parents.

8. *Summary of comments and responses.* The following is a summary of pertinent comments relating to the language of the regulations and the responses setting forth changes which have been made in the regulations as a result of the comments, or the reason why no change is deemed necessary. Specific comments are arranged in order of the section of the regulation to which they pertain. Where the section number in the final regulations differs from that in the proposed rule, the proposed rule section number is also identified. Other changes made in the final regulations, not based on comments, appear after the comments and responses for each of the two parts.

PART 116

§ 116.2 *Definitions.* 1. *Comment.* Most of the comments on this section suggested changes to definitions that were taken directly from the statute.

Response. Although no changes could be made to these definitions as mandated by statute, to avoid further confusion, these definitions are now being incorporated by reference in § 116.2(b), rather than being restated or paraphrased. For the added convenience of the reader, the text of the Title I statute is included as an Appendix to the regulation.

2. *Comment.* A few commenters indicated a preference for a definition of "educationally deprived children" modelled on the definition of "educationally disadvantaged children" in section 417 (a)(2) of the General Education Provi-

sions Act (GEPA) which provides that for the purpose of the Secretary's Annual Report that term "* * * refers to children who are achieving one or more years behind the achievement expected at the appropriate grade level for such children."

Response. The requested change was not adopted. Although the definition in section 417(a)(2) of GEPA could have been adopted for use for children in regular school programs above grade 2, the below grade level standard it imposes would not have been suitable for the participation of preschool children, handicapped children, and children in institutions for neglected or delinquent children. Therefore, rather than having different standards for each type of child, the standard of "educational attainment . . . appropriate for children of their age . . . ." which has the widest applicability to children served by local educational agencies (LEA) under Title I, was maintained. Since the definition of "educationally deprived children" only applies to the local educational agency program, it has been transferred to § 116a.2 of the regulation.

§ 116.3 *Participation of States—Comment.* Several commenters on this section requested more specificity in the content of the annual program plan.

Response. Since there is no intent at this time to add regulatory requirements to those applicable in Section 142 of the Title I statute and Section 434 of GEPA and Parts 100 and 100b of this chapter, no further specifications were added.

§ 116.4 *State administration and technical assistance—Comment.* Three commenters raised questions concerning whether the unused amounts of a State's allocation for State administration at the end of the period of availability of funds could be used for program purposes.

Response. No change was made in the regulations. Such allocations are available only for the proper and efficient administration of programs under Title I. The statute makes no provision for the reallocation of these funds to other agencies. Therefore, unused amounts from such allocations revert to the U.S. Treasury.

§ 116.5 *Approval by the State educational agency of applications from applicant agencies.* (Proposed § 116.6)—1. *Comment.* With respect to proposed paragraph (b), "Notice and opportunity for hearing," one commenter asked that the regulations require the State educational agency to inform the local educational agency of the reasons for which an application has been disapproved.

Response. This paragraph, now designated as (c), has been revised to incorporate such a provision.

2. *Comment.* With respect to proposed paragraph (d), "Availability to the public," two commenters recommended that parties interested in reviewing documents related to a project be required to request such documents from the local educational agencies before requesting such documents from the State educational agency.

Response. This requested change was not adopted. It was believed to be in the best interests of the general public information requirements of Title I and GEPA to allow interested parties the greatest amount of flexibility to obtain relevant information. Such parties may choose, for reasons of their own, such as the time and expense involved or the nature of their request, to contact the State educational agency rather than local educational agencies (and other applicant agencies).

§ 116.6 *Review and complaint procedures.* (Part of proposed § 116.7(b))—*Comment.* In general, with respect to complaints, a few commenters stated that the complaint procedures were difficult to find as part of the section on "Reports by State educational agencies," and recommended that a new separate section on complaint procedures be added. Some of these commenters suggested that this new section contain requirements that the State educational agency set up complaint procedures and submit them to the Commissioner within 120 days of the publication of this final regulation. It was requested that such procedures include:

(a) Provision of a hearing within thirty days of the filing of the complaint;

(b) An opportunity for the complainant to review or comment on the report filed by the applicant agency before the final disposition of the complaint; and

(c) The written communication of the disposition of the complaint and the basis for such disposition to the complainant within ninety days of the filing of the complaint.

Response. A new separate section requiring the establishment of complaint procedures has been set up as recommended. However, it was believed to be unnecessary to require the State educational agency to submit the procedures to the Commissioner, and therefore, in the interests of not requiring additional submissions, this suggestion was not adopted. Additionally, rather than requiring that a hearing be provided to every complainant, the State educational agency is only required to give the complainant the opportunity to present evidence. It was believed that the State educational agency should be given some flexibility in determining the manner in which such evidence is to be presented. The State educational agency may, of course, decide that, in a particular case, a hearing is necessary.

§ 116.7 *Reports by State educational agencies.*—1. *Comment.* A few commenters on paragraph (a), "Annual evaluation reports," stated that, the forthcoming change in the dates of the fiscal year as set forth in Pub. L. 93-344, whereby a fiscal year will run from October 1 to September 30 rather than July 1 to June 30 (beginning with fiscal year 1977) may make it impossible to prepare evaluation reports by November 15.

Response. The section has been revised to indicate that the evaluation report, as always, covers the usual period of a Title I program, the period from the beginning of the preceding regular school term through the end of summer following that term and, therefore, is not affected by the change in fiscal year. Consequently, the new fiscal year will not change the reporting period for the State evaluations. It should be noted that, in accordance with Section 151(g) of the Act, the Commissioner is required, no later than January 31 of each year, to report the results of the evaluations of Title I programs to the Congress, and therefore, in order to meet this requirement, the Commissioner must have the reports of the State educational agency by November 15.

2. *Comment.* Several commenters suggested that the State reports concerning complaints as set forth in paragraph (b), which are submitted to the Commissioner, also be furnished automatically to the complainant and the local educational agency.

Response. These comments are reflected in the last subparagraph of § 116.7. It should also be noted that, in accordance with § 116.45, any member of the public may request such reports from the applicant agency.

3. *Comment.* A commenter suggested that the State educational agency furnish the Commissioner with copies of any formal reports by an applicant agency concerning a complaint.

Response. This suggestion was not adopted. The regulatory provision requires that the State educational agency submit a report to the Commissioner which gives a summary of results of the investigation of a complaint and any hearings held concerning the allegation, and a statement of the disposition of the matter, and the reasons for the disposition. It does not seem necessary for the Commissioner to carry out his or her responsibilities to require initially reports by an applicant agency in every complaint. Of course, if the State educational agency's report is not sufficient, the Commissioner may request further information, including the report of the applicant agency.

4. *Comment.* Several commenters indicated the need for well defined deadlines applying to the handling of complaints and submitting of reports to the Commissioner by the State educational agency.

Response. The report section now includes a requirement that if a complaint cannot be handled within sixty days from the filing of the complaint, an interim report should be filed by the State educational agency with the Commissioner, explaining the status of the matter.

§ 116.19 *Maintenance of effort—Comment.* Two commenters raised questions as to whether the maintenance of effort requirement applied to private schools.

Response. No change was made in the regulations. The expenditures of private schools enrolling children participating in the Title I program are not included in the requirement of § 116.19, because such expenditures are not part of the "combined fiscal effort * * * of that (local educational) agency and the State with respect to the provision of free public education by that agency * * *," (emphasis supplied) as set forth in Section 143(c)(2) of the Act.

§ 116.30 *Planning grants.* (Proposed § 116.39)—*Comment.* A few commenters asked for clarification concerning the source of funds for planning grants.

Response. No change was made in the regulation. Any funds requested for a planning grant must be taken from the applicant agency's allocation. Planning expenditures are listed in Section 141(a)(1) of the Act as allowable expenditures along with other expenditures which come out of an applicant agency's Title I allocation. Additionally, the funds available for planning for any fiscal year which is set forth in Section 141(a)(1) of the Act, is limited by the size of the agency's allocation for that fiscal year.

§ 116.32 *Construction and equipment.* (Proposed § 116.38)—*Comment.* Several commenters wanted a more definitive treatment of the criteria to justify the use of Title I funds for construction or equipment.

Response. No change was adopted. Because of the varied nature of the projects, it would be difficult if not counterproductive to supply specific criteria. The first sentence of paragraph (a), contains a generally applicable standard that the acquisition of equipment and construction are allowable when such equipment or construction "is demonstrated as being essential to the success of a program or project under Title I of the Act." Any request for construction or equipment is an assertion by the applicant agency that the project cannot be accomplished with existing school facilities or equipment. Such a determination can be made initially on a case-by-case basis by the State educational agency which may request whatever information is necessary from the applicant agency to demonstrate that facilities other than those acquired with Title I funds are not available for use in its proposed project.

§ 116.33 *Reimbursement for expenses incurred by parent council members and volunteers.* (Proposed § 116.40)—1. *Comment.* Two commenters suggested that Title I funds be used to compensate council members or volunteers for loss of salary or wages.

Response. No change was made in the regulations. The general standards for allowable costs as set forth in Appendix B which applies to Title I through Part 100b of this chapter (see 45 CFR 100b.81), are that the costs "be necessary and reasonable" to the proper administration of the grant program. In only the most limited circumstances would the compensation of a council member be allowable as necessary to the operation of the council, and not subject to an audit exception. This matter would ultimately have to be judged on a case-by-case basis. The compensation of a volunteer is not consistent with the status of a volunteer.

2. *Comment.* Five commenters asked for clarification concerning the types of expenditures allowable under this section.

Response. No change was made in the regulations. Further specification in the regulations is considered inappropriate because it would be too restrictive to try to anticipate the numerous ways in which this question would arise. State educational agencies in reviewing project applications must determine on a case-by-case basis that the proposed activities for parent councils and volunteers are appropriate, likely to be effective, and are set forth in sufficient detail to determine whether the expenses incurred will be within the scope of the approved project. Guidance in general is provided in the cost principles contained in Appendix B to Part 100b of this chapter which states that the costs must be "necessary and reasonable for proper and efficient administration of the grant program."

§ 116.34 *Education aides.* (Proposed § 116.22)—*Comment.* Some commenters wished to have the required training directed to the aides and not to the professional staff they assist.

Response. No change has been made in the regulations. This section is taken directly from the statute, section 141(a)(12), which requires joint participation of both aides and professional staff when a title I project includes aides. Both professional staff and education aides may, of course, also receive separate training in accordance with the provisions of § 116.36, "Training."

§ 116.36 *Training.* (Proposed § 116.42)—*Comment.* Several commenters expressed concern that paragraph (b), "Supplementary training for specialists and classroom teachers," in the proposed § 116.42 might lead to widespread use of Title I funds for training that is not directly related to Title I programs.

Response. Appropriate changes have been made in the regulations to indicate more clearly that all training provided with Title I funds must directly relate to the Title I services provided to educationally deprived children and to the objectives of the Title I program serving such children.

§ 116.40 *Title I funds supplementary to State and local funds.* (Proposed § 116.30)—1. *Comment.* One commenter pointed out that the reference in subparagraph (a)(1), "General," to a project area was inappropriate since the paragraph is applicable not only to local educational agencies that have project areas, but also to State agencies that do not have such areas.

Response. The reference to project areas has been deleted.

2. *Comment.* Several commenters expressed concern about, or requested clarification of the term "ordinarily provided" as it was used in subparagraph (a)(2), particularly as it applied to State and locally funded compensatory programs.

Response. The clause containing this term was deleted. Since other provisions of the regulations clearly indicate that services generally provided for all children are not to be paid for from Title I funds there is no need for this clause. A similar provision has been inserted in § 116a.22(b)(10), and modified to address the issue of the use of Title I funds by local educational agencies when State and local funds are being used for purposes that are similar to those of Title I.

3. *Comment.* Several commenters disagreed with the prohibition in paragraph (b), "Services which applicant is required to provide," against using Title I funds to provide educational services in programs which are required by State law or by other Federal laws. The commenters felt that if Federal law or a court order required certain services, Title I funds ought to be made available to provide such services.

Response. No change was made. The prohibition in this paragraph, which is an application of the "supplement not supplant" concept, presumes that where the applicant is required by statutes or court order to provide certain services, such services would be provided in the absence of Title I funds. If a program mandated by State or Federal law receives sufficient State and local funding to meet the requirements of the appropriate law, then Title I money can be used to supplement the services available from such funding.

§ 116.41 *Relation of Title I projects to other programs.* (Proposed § 116.31)—*Comment.* Some commenters wanted a specific reference to community action agencies in paragraph (a) to make it clear that such agencies have an advisory role in reviewing an application.

Response. No change has been made. There is no basis in the statute for a regulation requiring a specific type of agency to be involved in the coordination and review process. Contrary to the assumptions made by several of these commenters, the statutory provision after which this section was modeled, section 803(c) of the Elementary and Secondary Education Act, does not require that any such agency have an advisory role in the development of Title I programs. Such agencies are, of course, considered to be among those which may be able to provide services that meet some of the needs of educationally deprived children and such agencies are among those whose review of the application would therefore be relevant. Each local educational agency is expected to avoid using Title I funds for services that could be supplied by another agency, including a community action agency.

§ 116.43 *Measurement of educational achievement and evaluation of programs.* (Proposed § 116.23)—*Comment.* Several commenters wanted to know whether the evaluation of educational achievement among private school children participating in a Title I program as set forth in paragraph (c) was the responsibility of the private school or the applicant agency.

Response. No further change was made in the regulations. The applicant agency as the grantee, must ensure that an evaluation of all projects serving Title I children, including those attending private schools, is conducted at least annually, consistent with Section 141(a)(6) of the Act.

§ 116.44 *Dissemination and utilization of results of educational research and demonstrations.* (Proposed § 116.34)—*Comment.* A few commenters suggested that this section, which provides for the dissemination of certain research information to teachers and administrators, be amended to include not only teachers and administrators but also parent council members in local educational agency programs.

Response. No change has been made in the regulation. This provision tracks the statutory provision in Section 141(a)(10) of the Act, which is written in general terms. It is expected that the specific training programs for local educational agency parent council members covered by § 116.36, "Training," would include the dissemination of appropriate research information. Additionally, such materials would be available to parent council members in local educational programs in accordance with § 116a.26(g).

§ 116.45 *Public information.* (Proposed § 116.35)—*Comment.* Five commenters wanted clarification on how long a local educational agency is required to keep information on Title I programs.

Response. To address these comments, a new sentence has been added to the regulations to specify that such information must be made available for five years after the completion of a Title I program or project or, in the case of an audit, until the resolution of such audit in accordance with Section 434(a) of the General Education Provisions Act.

OTHER CHANGES IN PART 116

1. Several typographical and technical corrections have been made and certain sections have been reorganized or renumbered.

2. A definition of "child or children" has been added to § 116.2(a) to conform to program administration.

3. A definition of "applicant agency" has been added in § 116.2 to simplify references to grantee agencies in Part 116.

4. Definitions in § 116.2 which were taken from the statute, have been eliminated and replaced by a cross reference to the statutory provisions. It should be noted that the text of the statute is attached.

5. In § 116.3(a), the assurances to be provided in the Annual Program Plan have been deleted and replaced by a cross reference to the statutory provisions.

6. In § 116.4(b), the specific amount of administrative funds has been deleted, and the statutory provision incorporated by reference.

7. A new paragraph (b) has been added to incorporate language in previous Title I regulations (before the publication of the General Provisions Regulations in Part 100 of the Chapter), which makes the effective date of an appplication the date on which the State educational agencies receives it in substantially approvable form. This provision, inadvertently removed from the Title I regulations, is consistent with the general rule for effective dates in § 100b.31 of this Chapter.

8. Section 116.5(c) adds a requirement that the notice of a decision from the review of an application given the applicant agency by the State educational agency, include the reasons for the proposed disapproval, in accordance with Section 425 of General Education Provisions Act.

9. The second sentence of § 116.7(a), concerning the content of State evaluation reports, was deleted pending the results of a study on uniform State evaluation models which is now being conducted by the Office of Education in accordance with Section 151(d) of the Act. Until the results of the studies are available, it is suggested that the evaluations include information on the types of educational and supportive services provided, parental involvement, the participation of public and private school children, the number and categories of staff employed, the nature and extent of the inservice training provided, a summary of the results of objective measurements of changes in the educational attainment of educationally deprived children who participated in programs and projects, and the results of research and replication studies conducted in the State pertaining to programs for educationally deprived children.

10. The last phrase of § 116.18, prohibiting Title I funds from being considered in the determination of State aid, has been reworded to clarify that Title I funds cannot be considered in such a way as to penalize an applicant agency in the amount of State aid it receives. This change would permit applicant agencies to be eligible for and receive additional State funds on the basis of their Title I eligibility.

11. A new paragraph (e) in § 116.19 clarifies the effect of the maintenance of effort provision on an applicant agency which derives ninety-five percent or more of its funds for education from Federal sources. Such agency will not be required to show maintenance of effort of State and local funds under this section.

12. Section 116.41(c) emphasizes that funds currently available through State and local categorical programs which are appropriate for funding components of the Title I programs must be utilized, rather than Title I funds.

13. Consistent with Section 141(b) of the Act, a new § 116.47, "Individualized educational plans" (formerly § 116a.22), has been added to Part 116 to apply to all Title I programs.

14. A new § 116.48, "Operational responsibilities" clarifies that the approval of an application does not relieve the applicant agency of the responsibility to carry out the Title I program in accordance with statutory and regulatory requirements.

PART 116a

§ 116a.1 *Applicability — Comment.* Commenters on paragraph (a), "Regulations for local educational agencies," suggested that it be reworded in line with the statutory requirement that Title I programs and projects be provided for educationally deprived children in school attendance areas with high concentrations of children from low-income families.

Response. This recommended change was adopted and the statutory language is being utilized.

§ 116a.5 *Allocation of county aggregate grants by State educational agencies*—1. *Comment.* Three commenters raised questions whether local educational agencies are required to provide Title I services for children in local institutions for neglected or delinquent children.

Response. The last sentence of paragraph (b) has been clarified to indicate that if a local educational agency receives an allocation based partially or wholly on the number of such children in accordance with Section 103(c)(1)(C) of the Act, then Title I services must be provided for them. If an approvable Title I program is not provided for such children by the local educational agency receiving the allocation based on such children, the State educational agency shall either assume the responsibility or find another agency to provide the services using that portion of the grant that was based on the number of such children, as is specified in Section 103(a)(3)(A) of the Act. If such services are not provided, then the funds attributable to such children are not available for other purposes and revert to the U.S. Treasury.

2. *Comment.* Commenters noted that the 1970 census data do not reflect the most current distribution of children from low-income families for the purposes of subcounty allocations, and that modifications should be made accordingly.

Response. Appropriate changes have been made. Paragraph (c), "Allocation of remainder of county grant," has been reworded to permit, but not require, the State educational agency to choose data other than the 1970 census, as the current data, as long as it is consistent with the purposes of Title I of the Act and approved by the Commissioner. The paragraph also now indicates the types of data considered acceptable.

§ 116a.10 *Further assistance to certain local educational agencies*—*Comment.* The commenters on this section were of the opinion that it departed from the intent of the statute (Section 101(a)(10) of Pub. L. 93-380), which is to raise the allocations of those local educational agencies which were held down to or raised to 85 percent of their previous year's allocations.

Response. This section has been revised to indicate that all such agencies would have their allocations raised to 90 percent of their previous year's funding. It should be noted that implementation of this section requires a separate Congressional appropriation.

116a.19 *Project applications*—*Comment.* Comments on this section were directed at the provision for the participation of children residing outside the project area with recommendations that it be deleted, because the need for Title I services within areas designated for projects is so great that the provision is unnecessary and counterproductive.

Response. This provision has been deleted. However, the authorization to serve educationally deprived children who reside outside of a project area has been rewritten for added clarity and is included in § 116a.22(b)(9), "Project description, size, scope, and quality." The added criteria in this provision are to further ensure that such children can only be included when their participation does not impair the effectiveness of the project for eligible children residing in the project areas, nor increase the cost of the project. It should be remembered that, even if the inclusion of children residing outside of the project areas meets these criteria, the local educational agency has the discretion to not serve such children.

§ 116a.20 *Selection of Title I attendance areas*—1. *Comment.* A number of commenters questioned the continuation of the requirement that Title I projects be located in areas with above-average concentrations of children from low-income families, suggesting that it be deleted.

Response. This requirement has been retained. Section 141(a)(1)(A) of the Act states that Title I funds be used for programs which are designed to meet the needs of "educationally deprived children in school attendance areas having high concentrations of children from low-income families." The regulatory requirement questioned is a reasonable interpretation of "high concentrations." Administrative experience indicates that such a requirement is a necessary one. Congress, in the legislative history to the Education Amendments of 1969 (Pub. L. 91-230) (Sen. Rept. No. 91-634, p. 9 (1970)), recognized that the selection and the use of Title I funds in proper project areas was an issue in which special Federal guidance and supervision was needed.

2. *Comment.* (a) Several commenters noted the change in paragraph (b)(2), "Eligibility of attendance areas," which designates project areas as school attendance areas in which 30 percent of the children are from low-income families. Some of those commenters said the provision should be deleted, since it gives the local educational agencies too much discretion.

(b) Others asked that the determination of the number of children from low-income families for this purpose be made on the basis of a more current criterion of poverty than that used in the latest Decennial Census.

Response. (a) The "30 percent" rule has been retained. This provision is consistent with the legislative history expressed in the House Report for the Education Amendments of 1974 (Pub. L. 93-380) (see House Rept. No. 93-805, pp. 16-17 (1974)) and in the legislative history to the Elementary and Secondary Education Amendments of 1966 (Pub. L. 89-750) (see House Rept. No. 1814, p. 3 (1966)).

(b) A new sentence has been added to the end of § 116a.20(b)(2) requiring that a determination of 30 percent incidence of poverty be made on the basis of data showing the eligibility of children to receive free lunches under the National School Lunch Act. School lunch data are the most current and most accessible data available for application to this provision.

3. *Comment.* Many commenters requested the addition of a specific provision for determining the eligibility of attendance areas on the basis of separate averages and separate rankings for elementary, middle or junior high, and high schools. For example, a local educational agency with one high school or an agency with several overlapping attendance areas for different grade spans could be prevented from providing Title I services to the children it considered most in need if only one district-wide average were used.

Response. Appropriate provisions have been added in a new subparagraph (b)(5) so that local educational agencies have greater discretion to select areas with high concentrations of children from low-income families and may, at their option, use separate averages and separate rankings by grade span in the selection of areas for projects.

4. *Comment.* A few commenters stated they considered the provision in paragraph (d), "Districts with no wide variance in the incidence of poverty," for determining whether a district has "no wide variance" in the number of children from low-income families (so a district-wide program could be conducted) to be too strict. The commenters recommended that the permissible variance based on one-third of the district-wide percentage be increased to one-half of that percentage, or that such variance be a fixed percentage regardless of the district-wide average. Several commenters approved of the one-third standard and requested that it be maintained.

Response. No change has been made in the regulations. The legislative history of Pub. L. 89-10, the Elementary and Secondary Education Act of 1965, which established Title I, indicated that only in limited circumstances may a whole school district be considered eligible as a "low-income area." (See Sen. Rept. No. 146, p. 9 (1965)). A further broadening of the "no-wide variance" standard would be inconsistent with this history, and with the requirement in Section 141(a)(1) that the areas selected have "high concentrations of children from low-income families."

§ 116a.21 *Needs assessment*—1. *Comment.* Of the many commenters on this section, several stated that a comprehensive needs assessment every year in accordance with paragraph (c) is unnecessary. Conversely, other commenters asked that the section on needs assessment be expanded to give more guidance on the information and analysis of the data necessary for an adequate needs assessment.

Response. As a result of these comments, this section has been extensively revised to give greater clarity on information to be gathered, and steps to be undertaken to use this data. Paragraphs on "Diagnostic Procedures" and "Consultation" have been added. Where feasible, the use of existing data is authorized, to ease the annual data-gathering burden on the local educational agencies. However, since eligible attendance areas may change every year, and annual evaluations required by the statute must be examined to make appropriate changes to the project, some data will probably need to be collected every year.

2. *Comment.* Some commenters felt that the emphasis on reading and mathematics was too restrictive and should be eliminated, while others felt it to be justified and suggested it be kept.

Response. Because of the disparity of viewpoints expressed, this emphasis has been altered in paragraph (a) to allow the local educational agencies more flexibility in performing their needs assessments. The provision in question is written in terms of giving emphasis to "the agency's basic programs of instruction."

3. *Comment.* Some commenters expressed the need for a requirement for objective needs measurement and the listing of specifications for such measures.

Response. No change was made in the regulations. Because of the disparity of viewpoints in this field, this area was felt better left to the expertise of the particular local educational agencies. The publication of guidelines on this subject in the FEDERAL REGISTER is being considered.

Whether or not a particular needs assessment is adequate to determine the needs for a particular project must be made on a case-by-case basis.

4. *Comment.* Several commenters felt that the term "dropout" was ambiguous and should be replaced by words which would more effectively refer to school age children not receiving an education.

Response. An appropriate change was made in paragraph (a) to include "children of school age not enrolled in a school."

5. *Comment.* Several commenters asked for a clarification of the requirement in the proposed § 116a.22(b) that only educationally deprived children be served who have the greatest need. These commenters suggested that a provision be added to give local educational agencies the discretion to also serve children residing in a project area who were served in the Title I project in the previous year who had made educational gains, and were no longer the children with the greatest need but who were still performing below the level appropriate for their age level.

Response. An appropriate addition was made in § 116a.21(e) to give local educational agencies the discretion to serve such children.

§ 116a.22 *Project description, size, scope, and quality.* 1. *Comment.* Some general comments submitted on § 116a.22 indicated that former paragraphs (b), "Children to be served," and (c)(1), "Needs to be served," should be clarified as they relate to each other and to § 116a.21, "Needs assessment."

Response. Accordingly, § 116a.22 has been rewritten to be more internally consistent and to provide a clearer indication of the relationship of Title I services to the educational needs of children identified in § 116a.21. Paragraph (a), "Project description," brings together requirements previously scattered throughout § 116a.22, which indicate what information should be in a local educational agency's project application. Paragraph (b) sets forth the standards by which the State educational agency will examine this data.

2. *Comment.* Several commenters protested the inclusion of proposed subparagraph (c) (2) which would make it clear that Title I services may be offered in the presence of non-participating children. These commenters objected that this subparagraph might be interpreted as allowing the use of Title I funds for the general aid of the school.

Response. A revision has been adopted in subparagraph (b) (8) to make it clear that, while Title I services may be provided for identified children in their regular classrooms or in other similar settings with other children present, Title I services must be directed only to the selected Title I eligible children.

3. *Comment.* A recommendation was made that in the proposed paragraph (d), "Size, scope, and quality," a reference to prior program evaluations be included as a basis for determining size, scope, and quality of the proposed programs.

Response. No change was made to this section. Prior program evaluations are to be taken into account in the needs assessment as specified by § 116a.21(a), and, therefore, are a part of the project design. These evaluations may also be used in determining the appropriate size, scope, and quality of the project, but it is left to the discretion of local educational agencies and State educational agencies as to whether it is actually to be used in the manner suggested.

4. *Comment.* A number of commenters objected to the last sentence of the proposed paragraph (d) requiring a justification for any Title I expenditures above the level normally expended by the local educational agency for any "comparable activities." They objected on the grounds that Title I funds are not to be used in any event for "comparable activities," which are paid for by State and local funds.

Response. The sentence has been deleted. It was intended to ensure that the levels of expenditure for personnel or materials for Title I activities are comparable to expenditures made by the local educational agency from State and local funds. However, its purpose is also covered by the preceding sentence concerning extravagant or imprudent expenditures, and the "supplement, not supplant" requirements of § 116.40.

§ 116a.23 *Participation by children enrolled in private schools.* 1. *Comment.* Two commenters were opposed to providing any services to non-public school children.

Response. No change was made in the regulation. This provision is derived directly from Sections 141(a) (2) and 141A of Title I.

2. *Comment.* Two commenters suggested that a precise definition of private schools be added to the Title I regulations.

Response. No such addition has been made. Any private elementary and secondary school as defined in Section 109.1 of this Chapter may be considered to be a private school for Title I purposes.

3. *Comment.* A high proportion of commenters on this section stated that the words "* * * therapeutic, remedial, or welfare services, health services, school breakfast for poor children and guidance counseling services * * *" used in paragraph (f), "Limitations on availability of services in other than public school facilities," may be misleading and in conflict with the requirements of the sections on "Needs assessment" and "Project design" because they place an undue emphasis on non-instructional services.

Response. No changes have been made. These illustrations are taken from the passages of the legislative history of Pub. L. 89-10 (Sen. Rept. No. 146, p. 12 (1965)), which form the basis for the provisions in question.

4. *Comment.* Many of the same commenters referred to in item 3 above also objected, for similar reasons, to the use of the words "dual enrollment, educational radio and television, and mobile educational services and equipment," in paragraph (a), "General requirements."

Response. These words are found in Section 141A(a) of the Act and have been retained.

5. *Comment.* Many commenters found the phrase in paragraph (a) "* * * a geographical area reasonably coterminous with the project area," to ambiguous and requested that it be clarified or deleted.

Response. The phrase has been deleted from the regulations. It was intended to apply primarily to Title I programs being conducted at private schools which serve children, nearly all of whom are from the project areas but with a few children residing just outside the project area, but the words "a geographical area, reasonably coterminous" were difficult to apply. Paragraph (9) of § 116a.22(b), "Size, scope, and quality," however, does provide for the participation of educationally deprived children not residing in eligible attendance areas, if such participation meets certain requirements including that it does not impair the effectiveness of the program for the participating children from the project areas for whom the project was designed.

6. *Comment.* Two commenters wanted paragraph (b) to provide that the local educational agency consult with official designees of private schools, rather than "persons knowledgeable" of the needs of private schools in making a determination of the special educational needs of private school children.

Response. No change was made in the regulations. The local educational agency is the grantee and is required by Section 141(a)(3) of the Act to maintain public supervision and control, and it was believed appropriate to give it flexibility to determine the appropriate persons to consult who are knowledgeable of the needs for Title I services by eligible private school children.

7. *Comment.* Two commenters requested that paragraph (d) be changed so that the local educational agency would be permitted to provide an assurance, rather than specific information, that it had conducted a needs assessment for private school children.

Response. No change was made to reflect this comment. The statute in Section 141(a) requires that Title I services be designed to meet the special educational needs of educationally deprived children in eligible areas, whether they be enrolled in public or private schools. To determine this, a needs assessment must be conducted for all such children and sufficient information put in a local educational agency's application to enable the State agency to determine that an adequate needs assessment was undertaken. To meet the requirement of "participation on an equitable basis for eligible private school children" in accordance with Section 141A of the Act, an equitable needs assessment and similar data would have to be presented for private school children as well as public school children and other types of children as indicated in § 116a.21(a).

8. *Comment.* Several commenters stated that the regulations should require that instruction in the basic skills be provided to private school children selected to participate in the project.

Response. Paragraph (d), "Design of projects," in § 116a.23 has been revised to incorporate by reference the requirements of § 116a.21 concerning needs assessment which requires in paragraph (a) that data on performance in the basic programs of instruction be considered for all children.

§ 116a.23-1 *Participation by children enrolled in private schools*—1. *Comment.* Several commenters noted the use of the term "equitable basis" in paragraph (c) and asked that it be amplified.

Response. No change was made in the regulations. The term is taken from Section 141A(b)(2) which speaks of a local educational agency that "* * * has substantially failed to provide for the participation on an equitable basis of educationally deprived children enrolled in private elementary and secondary schools * * *" General guidance for determining whether this provision is met is given in paragraphs (a), (b), and (c) of § 116a.23. As set forth in paragraph (c) of that section, a child enrolled in a private school who is selected to participate in a Title I program because of his or her special educational needs must receive Title I services that are "comparable in quality, scope, and opportunity for participation to those provided to public school children with needs of equally high priority." Beyond this, delineation of the standard is properly left to case by case determination.

2. *Comment.* A few commenters asked whether a State educational agency's entitlement to funds for the administration of the Title I program in its State under Section 143(b) of the Act would be decreased in the event that the Commissioner of Education withdrew a portion of the allocation for local educational agencies for the purposes of pro-

viding services for private school children in accordance with Section 141A of the Act.

Response. A clarifying statement has been added to § 116a.22–1(d) which indicates that a proportionate amount of State administrative funds may be deducted for this purpose except that no State may receive less than $150,000 in accordance with Section 143(b) of Title I. Section 141A(b)(3) provides that the arrangements necessary may be paid "from the appropriate allocation or allocations." Additionally, since Section 143(b)(1) of Title I requires the allocation to State educational agencies of "* * * 1 per centum of the amount allocated to the State and its local educational agencies," the withdrawal by the Commissioner of a portion of the allocations to one or more local educational agencies in a State would result in the reduction of the State's allocation under that section and a reduction in its administrative responsibilities.

3. *Comment*. Two commenters asked for clarification as to whether the State educational agency could have the authority to review any contracts the Commissioner may enter into as a result of exercising the by-pass provisions.

Response. While no change has been made in the regulations, it should be noted that, as stated in Section 141A(b)(3) of the Act, "When the Commissioner arranges for services pursuant to this section, he shall, after consultation with appropriate public and private school officials, pay the cost of such services from the appropriate allocation or allocations under this title." Officials of the State educational agency would be considered among the "appropriate public school officials" for this purpose.

§ 116.25 *Parent advisory councils*—1. *Comment*. A large number of commenters were opposed to the establishment of parent advisory councils at the school level, or were opposed to school advisory councils for small school districts or for schools receiving small Title I grants. The suggested definitions of a small grant ranged from $10,000 to $100,000 and the suggested levels for small school districts ranged from 3,000 to 10,000 enrolled students.

Response. No change has been made as a result of these comments. The requirement that there be councils at every school served is stated in Section 141(a)(14) of the Act. The regulations permit a local educational agency with less than 1,000 children enrolled in all project schools to have the district/ advisory council also serve as the council for each of its schools.

2. *Comment*. Three commenters suggested that the regulations mandate State parent advisory councils.

Response. Unlike other Federal programs in elementary and secondary education, there is no requirement in Title I of the Act for a State advisory council. Moreover, the nature of the Title I program is such that it would not be appropriate to require State advisory councils in order to increase the effectiveness of local programs. A State educational agency, is free to form a State parent advisory council if it finds such a council would increase the effectiveness of its administration of the Title I program.

3. *Comment*. One commenter wanted the State educational agency, in conjunction with appropriate consumer groups, to develop a specific list of required activities to be carried out by each parent advisory council.

Response. No change was made in the regulations. Paragraph (g), "Involvement of councils," already gives guidance as to the type of activities in which parent councils are to be engaged, consistent with Section 141(a)(14)(C) of the Act. In addition, paragraph (h), "Additional rules and procedures," permits the State educational agency to issue additional rules and procedures, not inconsistent with the regulations, which may be necessary to ensure the proper functioning of the parent councils. However, it is left to the discretion of the State agency as to whether such additional rules and procedures are adopted.

4. *Comment*. Eleven commenters wanted the regulations to restrict participation in selection of parent advisory council members to only those parents whose children were eligible to receive Title I services in a particular attendance area.

Response. No change has been made in the regulations. The current regulations regarding selection are taken directly from Section 141(a)(14)(B) of the Act which states that parent advisory council members must be "selected by the parents in each school attendance area." To further restrict the selection process would be inconsistent with Section 421(c)(2)(B) of the General Education Provisions Act.

5. *Comment*. Many commenters were concerned about the powers and authority of the parent advisory councils. Some commenters wanted the councils to have a "sign off" authority on the local educational agency's application. Other commenters strongly urged that the councils not be given such a "sign off" responsibility.

Response. No change has been made in the regulations. In accordance with Section 141(a)(14)(C), the councils have only an advisory function; they do not have the power to prevent the submission of an application by refusing to "sign off." However, since Section 141(a)(14)(C) of the Act requires the local educational agency to give the parent councils in its district "responsibility for advising it in the planning for, and the implementation and evaluation of * * * programs and projects," the local educational agency must insure that it has the advice of its councils on the application and on major decisions affecting the operation of such programs and projects.

6. *Comment*. Six commenters were concerned about the length of time for which the local educational agency is responsible for furnishing prior applications and evaluations of Title I projects. The commenters felt that the local educational agency should not be required to furnish all past applications and evaluations, some of which are ten years old.

Response. A reference to the availability of information requirements in § 116.45 has been added to subparagraph (g)(2) to indicate that such information has to be kept available for only 5 years after the completion of the relevant Title I project or until an impending audit has been completed and resolved.

7. *Comment*. Another commenter felt that the requirement to provide the advisory councils with relevant information and documents was already accomplished in proposed § 116.35, "Public information," and should not be repeated in § 116a.25.

Response. Paragraph (g) containing the requirements for the provision of information to councils has been streamlined and replaced by more general standards and a cross-reference to the "Public information" paragraph in § 116.45. However, because of the unique and important role of councils, the council members must be automatically furnished with certain specified documents, such as copies of the complete Title I statute and regulations, and the council must be furnished with the local educational agency's current application.

8. *Comment*. Several commenters wanted each council member to receive relevant information and documents rather than each advisory council, and recommended that paragraph (g) be revised accordingly.

Response. Subparagraph (g)(1) has been revised to indicate that several important documents must be provided to each council member. In order to assure effective participation by all the council members, each member will receive a copy of Title I of the Act, and the Federal and State regulations and guidelines. Copies of the other appropriate materials, such as the project application and periodic reports, which are issued frequently and tend to be lengthy, are to be furnished to each advisory council rather than each member.

9. *Comment*. Several commenters urged that parents employed by the local educational agency not be counted as part of the majority that are required to be parents of children to be served and that the regulations be amended accordingly.

Response. No change was made in the regulations. At this time, it is felt that this type of provision is best left to local discretion.

10. *Comment*. Four commenters were concerned about releasing the names of Title I parents for the purpose of having such parents considered for selection to parent councils. The commenters felt strongly that the confidentiality of the parents' names had to be maintained until and unless an individual parent consented to be identified.

Response. While this safeguard was already specified in the proposed paragraph (c), a new sentence was added in paragraph (c) to emphasize the principle of confidentiality with respect to parents eligible to serve on advisory councils.

11. *Comment*. Two commenters sought clarification as to the exact date when the local educational agencies

would be required to establish school advisory councils.

Response. No change was made in the regulations. Pub. L. 93–380, which requires school advisory councils, was enacted on August 21, 1974, and the requirement to establish school advisory councils was effective sixty days after the enactment (see Section 2(c) of Pub. L. 93–380). The local educational agencies were required, therefore, to form school advisory councils as soon as possible after the effective date.

12. *Comment.* Three commenters wanted the local educational agency to provide an assurance in its application that it was in compliance with the provisions of paragraphs (a) and (g) establishing parent councils rather than demonstrate in the application that it was in compliance with such provisions.

Response. No change was made in the regulations. By statute, the State educational agency is required to make a determination that the local educational agency has established parent councils in accordance with Section 141(a)(14) of the Act and, therefore, would need a brief description of the formation and operation of these councils.

13. *Comment.* Several commenters indicated some difficulty in interpreting the language used in subparagraph (a)(1) which referred to the majority membership of the parents of children "who participated in the program in the preceding year or will participate in the current year's program."

Response. This language has been clarified to indicate that parents of children who are participating in Title I during the current project year or who will be participating in the proposed program for the following project year (if determinable) must constitute the majority membership of the advisory council.

14. *Comment.* Several commenters suggested that paragraph (d) contain more specific methods of selecting parent advisory council members. These suggestions included: the selection of nonparent members by the parent members, the selection of all members by parents and staff in eligible schools, the required selection of district advisory council members from the membership of the school advisory councils, and the selection of parent advisory council members by an existing parent organization.

Response. No change has been made in the regulations. The proposed regulations were written both to conform with the specific requirements of the statute and to provide maximum flexibility for the State and local educational agencies to encourage parent involvement. The method of selection, therefore, is left to the discretion of the local educational agency (in consultation with the district advisory council) as to what it deems to be the most effective method of encouraging parent involvement, as long as such methods do not preclude or discourage participation by all parents in a project area in the selection of council members.

15. *Comment.* One commenter requested funds in addition to the existing Title I allocation to local educational agencies, to help maintain school parent advisory councils.

Response. No change was made in the regulations. The Commissioner does not have the authority to authorize a further appropriation without Congressional action.

16. *Comment.* One commenter wanted the regulations to require the State educational agency to provide staff to help the planning and coordination.

Response. No changes have been made in the regulations. Under Section 143(b) of the Act, the State educational agency is responsible for ensuring proper and efficient administration of the Act and under, such authority, may provide any technical assistance it deems necessary to local educational agencies to ensure the proper functioning of parent advisory councils. Moreover, local educational agencies under Section 141(a)(14) are considered to have the prime responsibility for the training of their advisory councils.

17. *Comment.* One commenter was concerned that compliance with proposed paragraph (d) to inform the general public of the time, place, and method of selecting council members would require enormous amounts of time and paper work.

Response. No change has been made in the regulations. Flexibility is given in determining the appropriate form of notice. It should be noted that notice to the public through conventional means of communication, such as local newspaper and media announcements would generally be satisfactory.

18. *Comment.* One commenter, in referring to proposed subparagraph (g)(6) which required a local educational agency to have adequate procedures for responding to parent complaints and suggestions, urged that all complaints be in written form and that no responses to complaints were needed. In addition, the commenter felt this requirement was an attempt by the Federal government to dictate local administrative practices.

Response. Subparagraph (g)(6), as proposed, has been deleted and relevent complaint procedures are now included in § 116.6. In order for the State educational agencies and the Commissioner to carry out their mutual administrative responsibilities, certain minimum standards of dealing with complaints are maintained.

§ 116a.26 *Comparability of services*—1. *Comment.* Several commenters stated that the date, October 1, which the Commissioner designated for determinations of comparability in Fiscal Years 1974 and 1975 was either too early for enrollments to be stabilized, or it failed to coincide with dates or periods established by the State for reports which include data related to comparability.

Response. The revised regulations in paragraph (c) enable each State educational agency to establish the date or reporting period for comparability purposes, not later than November 1, that best coincides with the date or period for State reports. To that extent, the State educational agency may take into account the stability of enrollments in setting the reporting date.

2. *Comment.* Several commenters urged that the averages for the comparability indicators from all of the Title I schools rather than each Title I school in a particular grade span be compared to the corresponding averages for all non-Title I schools.

Response. No change has been made in the regulations. In light of the legislative history (see particularly the Congressional debates in Cong. Rec. S. 4361, H. 2690 and H. 2692, daily eds. March 24, 1970, and April 7, 1970), this interpretation of the statute (Section 141(a)(3)(C)) was rejected. Such an interpretation would permit Title I services to be provided at schools that were grossly underfunded, provided there were compensating expenditures from State and local funds in other project area schools.

3. *Comment.* Several commenters indicated that the proposed rules did not recognize sufficiently the effect of school size on staff ratios and expenditures per pupil.

Response. Subparagraph (1)(4) has been added to allow a local educational agency to divide a grade span group into two size groups if a school in the grade span group has an enrollment that is at least two times that of another such school (The latter school must have an enrollment of over 100 students)

4. *Comment.* With respect to schools with enrollments of 100 or less, some commenters pointed out that schools with enrollments of five or ten children should not be compared with schools with enrollments of 90–100 children.

Response. Paragraph (k) has been revised to allow a local educational agency to file a statement of policies assuring comparability of the allocation of resources to schools having under 100 enrollment, rather than meeting comparability through a report as set forth in paragraph (b).

5. *Comment.* A number of commenters asked that the permissible variance of five percent from the comparability ratios (children per staff member and expenditures for instructional salaries less payments for length of service) based on the average of non-Title I schools be increased. Some of those commenters indicated that they are making such requests because of wide ranges in the sizes of the schools in their communities.

Response. While no changes were made in the permissible variance, the new division of schools by size detailed in the response to comment 3 of this section should, to some degree, serve to meet the objectives of those who wanted a change in the variance. It should be noted that the five percent variance is consistent with the decision in the relevant case of *Hobson* v *Hansen* 269 F. Supp. 401 (D.C.D.C. 1967), *afd. sub. nom., Smuck* v *Hansen* 132 U.S. App. D.C., 372, 408 F. 2d. 175 (1969).

6. *Comment.* The provisions for reports on expenditure for materials and supplies contained in the proposed subparagraph (b)(7) were characterized by some commenters as "punitive," because

such reports have been required only of those local educational agencies which initially fail to demonstrate comparability. They also related their experience that such data are difficult to collect and maintain and, therefore, recommended that this requirement be deleted.

Response. This subparagraph has been deleted. However, subparagraph (h)(3) has been revised to include a statement of policy ensuring that the materials and supplies are distributed in a comparable manner. Because of the legislative history (see Sen. Rept. No. 91–634 pp. 14–15 (1970)), information concerning materials and supplies is a relevant part of the comparability requirements.

7. *Comment.* A few commenters recommended that a single measure of the comparability of services be adopted. Some of the commenters suggested the measure be the ratio of children enrolled to instructional staff. Still others suggested expenditures (for instructional salaries) per pupil. In both cases the commenters reasoned that a demonstration of an equitable preliminary allocation of resources, either in numbers of instructional staff or expenditures per child for instructional salaries, should be sufficient to determine that comparable services are being provided for project area schools.

Response. The regulation in this regard has been retained. The multiple standards are consistent with the legislative history (see Sen. Rept. No. 91–634, pp. 14–15 (1970)). Additionally, while a plan for allocating staff or funds among the schools of a local educational agency is important and perhaps a necessary management device, it is the actual delivery of those resources to individual schools that must form the basis for determinations of comparability.

8. *Comment.* One commenter suggested that only teachers, and not principals, librarians, and special instructional personnel be counted for the purposes of comparability since the last three categories of staff are frequently assigned on a school basis rather than on the basis of the number of children, a condition that frequently leads to adverse comparability determinations when project area schools are compared with nonproject area schools with considerably smaller enrollments.

Response. The size of school problem noted by this commenter has been taken care of by the addition of subparagraph (i)(3), as noted in response to comment 3 of this section. However, the categories of principals, librarians, and special instructional personnel have been maintained as relevant for comparability purposes since the Congressional debates on the subject indicate that Congress wanted information on a broader category of staff than merely classroom teachers (see the debates as cited in the response to comment 2 above). It is also felt that principals, librarians, and special instructional personnel do affect the quality of instructional services offered to students in Title I and non-Title I schools, and therefore, are relevant to comparability determinations.

9. *Comment.* Another commenter suggested that, for comparability purposes, certain staff members, particularly teacher aides, be counted at a fraction of their actual number. This commenter also expressed the need to permit different combinations of professional and paraprofessional staff without jeopardizing the comparability of some Title I schools.

Response. No change was made in the regulations. While the concern for allowing flexibility of staffing patterns for various schools is understandable, there is no recognized standard for converting a certain number of aides to an equivalent number of teachers. To some degree, this concern is met by the fact that levels of preparation are reflected in the expenditure per pupil (salaries less longevity).

10. *Comment.* A number of commenters questioned the need for the inclusion of data on expenditures for instructional staff based on length of service (longevity) as required by proposed subparagraph (b)(3), and on children, instructional staff, and expenditures for such staff as required by proposed subparagraph (b)(8) with respect to State and locally funded special or compensatory programs. Their comments were based on the fact that such data are not actually required for determinations of comparability.

Response. The proposed subparagraph (b)(3) has been deleted. Proposed subparagraph (b)(8) has been kept so that it may be used in assessing the effect of such exclusions on determinations of comparability.

11. *Comment.* A group of commenters from one State requested that recognition be given to the provisions of their State's financial aid plan which requires a high degree of equalization with respect to funding not only on an interdistrict basis but also on a school by school basis. The same State's formula for determining equalization also includes the use of various weighting factors for different types of children and for children at different grade levels.

Response. In light of these comments, changes were made in subparagraph (b)(1), to permit the weighting of actual enrollments in accordance with the weightings indicated by State or local school finance plans provided such weightings are reasonable and uniformly applied.

12. *Comment.* A few commenters asked whether the provisions concerning revised comparability reports required that all data on such a report be as of the same date.

Response. Additional language has been supplied in subparagraph (f)(1) to make it clear that revised comparability reports must contain data as of one date, the date that the reallocation of resources actually takes effect.

13. *Comment.* One commenter recommended that a resolution of the board of the local educational agency be accepted as the evidence of the reallocation of personnel that is required when submitting a revised report and that an appropriate change be made to the regulations.

Response. No such change was made in the regulations. Comparability is measured in terms of the status of services at points in time. Comparability based on intention is an incomplete measure of actual services at any one point in time; a resolution showing intent to provide comparable services is not a measure of the actual services.

14. *Comment.* A few commenters objected to the requirement that State and locally funded services for handicapped children or for bilingual programs for children with limited English-speaking ability must be provided in project areas on a basis comparable to that for nonproject areas if expenditures for such services are excluded from a determination of average per pupil expenditure. They suggested that this requirement in proposed paragraph (j) be deleted.

Response. No change has been made in the regulations. This "comparability type" requirement appears in the definition of "excess costs" in the statute (Section 403(17) of Pub. L. 81–874) and is applied to the comparability requirements of Section 141(a)(3)(C) on the basis of the legislative history (See House Rep. No. 93–805, pp. 17–18 (1974); and Sen. Rept. No. 93–1026, p. 147 (1974)).

15. *Comment.* Another commenter on the provisions for the exclusion of State and local funds for handicapped children requested that, in the case of part-time classes, provision be made for adjustments in the number of children reported as enrolled so as to reflect the fact that such handicapped children were also being served part-time in regular classes.

Response. The provisions of subparagraph (j)(2) have been adjusted accordingly to allow the exclusion requested.

16. *Comment.* One commenter objected to the provision in subparagraph (f)(3) regarding the case of a finding of noncomparability after December 1 that Title I funding for the local educational agency would be suspended as of the date of the finding. The commenter recommended that the local educational agency be given thirty days to make the necessary changes and file a revised comparability report.

Response. The regulation has been modified, taking into account this concern. No time limit has been set. However, the regulation now states that if "prompt" action is taken to correct the non-compliance, there will be no suspension of the approval. Whether a local educational agency acted "promptly" to correct its non-compliance status would have to be determined on a case-by-case basis depending on such factors as the amount of corrective action needed, the size of the school district, and the compliance history of that district for that year.

17. *Comment.* One commenter asked that consideration be given to counting children in less than full-day kindergarten programs on a full-time equivalency basis.

Response. Recognizing the special nature of kindergarten programs, appropriate language has been provided in subparagraph (b)(1) to allow part-time kindergarten children to be counted on a full-time equivalency basis.

OTHER CHANGES IN PART 116a

1. Several typographical and technical corrections were made. Additionally, various changes were included as a matter of clarification.

2. As indicated in the summary of comments on § 116.2, the definition of "educationally deprived children" is now included in § 116a.2. Conforming changes have been made to make it suitable to the local educational agency program.

3. In § 116a.5(c), the final sentence has been modified to indicate that, consistent with Section 144 of the Act, the amount of a Title I allocation attributable to children in a local institution is not available for reallocation. Another sentence was added concerning the length of the stay of children in institutions for allocation purposes.

4. In § 116a.11(a), a new subparagraph (4) was added for the purpose of defining "maximum grant" as used in this subsection for the purpose of clarity.

5. Section 116a.13 of the notice of proposed rulemaking has been deleted, since Section 101(a)(4)(B) of Pub. L. 93-380 repealed Part C of Title I as of July 1, 1975. Accordingly, proposed § 116a.14 has been renumbered § 116a.13.

6. A phrase has been added in § 116a.20(d) to emphasize that the use of the "no-wide variance" provision by a local educational agency, which meets the appropriate standards, is optional.

7. In § 116a.20(f), the number of children eligible to receive benefits under the National School Lunch Act has been added as a possible indicator of the number of children from low-income families for specified purposes.

8. As indicated in the comments on § 116.46, the provision concerning services "ordinarily provided" with State and local funds is now found in § 116a.22(b)(10), and modified to address the use of Title I funds when State and local funds are providing services that are similar to those provided under Title I.

9. Provisions in the proposed § 116a.23(f) which pertained to the use of equipment on private school premises have been moved to § 116.32.

10. § 116a.23-1(c) has been shortened and now incorporates by reference statutory provisions in Section 141A(b)(4) of the Act for review by the Court of Appeals of the Commissioner's actions under this section of the regulations and Section 141A of the Act.

11. In § 116a.25(a), subparagraphs (5) and (6) have added provisions to insure that operating procedures and coordination among parent councils have been provided.

12. Paragraph (c) of § 116a.25 has been modified to indicate that the local educational agency shall consult with the district council in establishing procedures to identify parents eligible for membership.

13. In § 116a.25(d), provisions have been added to indicate, where appropriate, that a local educational agency shall consider the publication of notices for elections in a language other than English; and to indicate that district advisory council members shall reside in the district and school members shall reside in the attendance area of that school.

14. In subparagraph (i)(1) of § 116a.26, a sentence has been added to indicate that schools serving eight or more grades may be considered as a separate grade span group for the purposes of determining comparability.

15. A new final paragraph (o) has been added to § 116a.26 which excludes from the comparability provisions, local educational agencies receiving ninety-five percent or more of their funds from Federal sources. This exclusion parallels § 116.19(e) in the maintenance of effort provisions.

Effective date: Pursuant to Section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance Program Numbers 13.427, Educationally Deprived Children-Handicapped (Pub. L. 89-313); 13.428, Educationally Deprived Children-Local Educational Agencies; 13.429, Educationally Deprived Children-Migrants; 13.430, Educationally Deprived Children-State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children)

Dated: May 26, 1976.

T. H. BELL,
U.S. Commissioner of Education.

Approved: September 16, 1976.

DAVID MATHEWS,
Secretary of Health, Education, and Welfare.

PART 116—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES AND STATE AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED, HANDICAPPED, MIGRANT, AND NEGLECTED AND DELINQUENT CHILDREN—GENERAL PROVISIONS

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AUTHORITY: Sec. 2, Pub. L. 89-10, 79 Stat. 27, as amended, (20 U.S.C. 241a-241m, 242, 244), unless otherwise noted.

Subpart A—Scope

§ 116.1 Applicability.

(a) *Other Title I regulations.* The regulations in this part are applicable to all programs conducted under Title I of the Elementary and Secondary Education Act of 1965, for which regulations are contained in Parts 116a, 116b, 116c, and 116d of this chapter.

(b) *General provisions regulations for Office of Education programs.* Assistance provided under this part is subject to applicable provisions contained in Parts 100, 100b, and 100c (and relevant appendices) of subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(c) The text of the Title I statute is contained in full in the Appendix to this part.

(20 U.S.C. 241a)

§ 116.2 Definitions.

(a) As used in this part and in Parts 116a, 116b, 116c, and 116d (except as otherwise indicated in those parts)—

"Act" means the Elementary and Secondary Education Act of 1965 (Pub. L. 89-10) as amended. Title II of Pub. L. 874, 81st Congress, which was added by Title I of said Elementary and Secondary Education Act of 1965, is hereinafter in this part referred to as Title I.

(20 U.S.C. 241a)

"Applicant agency" means a local educational agency that applies for a grant under Part 116a, a State agency that applies for a grant under Part 116b, or Part

116c; and a State educational agency that applies for a grant under Part 116d.

(20 U.S.C. 244(6)(B))

"Child or children" except where otherwise specified means a person or persons not above 21 years of age who, under State law, are entitled to free public education which is provided as elementary and secondary education, not above grade 12. The term also includes a person or persons who are of preschool age.

(20 U.S.C. 241c-2, 241e(a)(1).)

(b) As used in this part, and in Parts 116a, 116b, 116c, and 116d (except as otherwise indicated in those parts) the following terms have the meaning given to them in section 403 of Pub. L. 81-874 (20 U.S.C. 244) which is set forth in the appendix to this part:

Average daily attendance
Average per pupil expenditure
Commissioner
Construction
County
Current expenditures
Elementary school
Equipment
Excess costs
Federal property
Free public education
Local educational agency
Parent
School facilities
Secondary school
State
State educational agency

(20 U.S.C. 241a, 244.)

Subpart B—Duties and Functions of State Educational Agencies

§ 116.3 Participation of States.

(a) *Required submissions.* Any State desiring to participate under Title I shall submit through its State educational agency to the Commissioner a general application and an annual program plan as set forth in section 434(b)(1)(A) and 434(b)(1)(B) of the General Education Provisions Act and the regulations in Part 100b of this chapter. However, with respect to the program described in Part 116d relating to migratory children of migratory agricultural workers or fishermen, subparagraph (1) does not apply. The annual program plan shall include: (1) The assurances required by Section 142(a) (1) and (3) of Title I;

(2) An assurance that the State educational agency will comply with Title I and the regulations in this part and the applicable provisions of Parts 116a, 116b, 116c, and 116d of this chapter;

(3) A statement describing the purposes for which Federal funds will be expended under Title I during the fiscal year for which the annual program plan is submitted; and

(4) A certificate by the appropriate State legal officer to the effect that the agency submitting the plan has the authority under State law to perform the duties and functions of a State educational agency under Title I and the applicable regulations, including those arising from the assurances given.

(b) *Approval by the Commissioner*—(1) *Determinations of the Commissioner.* The Commissioner will approve each annual program plan to participate in the grant program under Title I, submitted by a State through its State educational agency, if the Commissioner determines that the plan meets the requirements of the applicable provisions of Title I and the regulations in this part and Parts 116a, 116b, 116c, and 116d. The Commissioner will not finally disapprove (in whole or in part) such State program plan with regard to Title I except after reasonable notice and opportunity for a hearing.

(20 U.S.C. 241f(b), 1232c.)

§ 116.4 State administration and technical assistance.

(a) *General.* The State educational agency for a State for which the Commissioner has approved a plan, as specified in § 116.3(b), shall be responsible for the proper and efficient performance of the duties of such agency under Title I including compliance with its assurances to the Commissioner and the provision of technical assistance to local and State agencies with respect to the measurements and evaluations such agencies are required to submit pursuant to such Title.

(b) *Amount available for administration.* Each State educational agency is entitled to receive for each fiscal year an amount equal to the amount expended by it for performance of its duties under this section but not to exceed the amounts set forth in section 143(b) of Title I.

(20 U.S.C. 241g, 1232c)

§ 116.5 Approval by State educational agency of applications from applicant agencies.

(a) *Review by State educational agency.* The State educational agency shall review all applications by applicant agencies except for an applicant agency under Part 116d. The State educational agency shall not approve an application (1) for an amount which together with amounts of other approved applications by that agency, exceeds the amount available for grants to that agency determined in accordance with Title I or (2) unless it has determined that the application meets all of the applicable requirements of Title I and the regulations.

(b) *Effective date of approved application.* Projects approved pursuant to paragraph (a) of this section shall be considered to be in effect as of the date on which the application was submitted in substantially approvable form. In no event shall such date be earlier than the first day on which the funds being applied for become available for obligation, or the effective date of the State educational agency's annual program plan.

(c) *Notice and opportunity for hearing.* The State educational agency shall not finally disapprove any application in whole or in part without first affording the applicant agency reasonable notice and opportunity for a hearing with respect to such action in accordance with the requirements of section 425 of the General Education Provisions Act. Such notice shall include the reasons for the proposed disapproval. A hearing shall be held by the State agency 30 days after it receives a request from the applicant agency. If the State educational agency decides not to rescind its final action, it shall give notice of the decision to the applicant agency in writing, stating its reasons and indicating the right to appeal to the Commissioner within twenty days of the receipt of the notice.

(d) *Appeal.* An applicant agency aggrieved by the final action of a State educational agency shall be given the opportunity for an appeal to the Commissioner as set forth in section 425 of the General Education Provisions Act.

(e) *Availability to the public.* Each application of a local educational agency or a State agency for a grant under Title I; the related documents referred to in Parts 116a, 116b, 116c, and 116d; and the evaluation and other reports referred to in such parts, shall be made available to the public by the State educational agency in the manner prescribed by § 116.35.

(20 U.S.C. 241e(c), 241f, 1231b-2, 1231d)

§ 116.6 Review and complaint procedures.

The State educational agency shall establish procedures for investigating complaints alleging violations of Title I or the regulations for that Title including:

(a) Procedures to carry out section 435(a) and (c) of the General Education Provisions Act and § 116.5(c); and

(b) Procedures for resolving the complaints of parents and other individuals and organizations, including:

(1) Specific time limits for investigation and resolution of complaints, not normally to exceed 60 days;

(2) An opportunity for the complainant to present evidence to the State educational agency; and

(3) Dissemination of information concerning procedures under this paragraph to interested parties, including parent advisory councils.

(20 U.S.C. 241f(a)(3), 1231b-2, 1231d)

§ 116.7 Reports by State educational agencies.

(a) *Annual evaluation reports.* Following the close of each fiscal year and no later than November 15 of the next fiscal year, the State educational agency shall submit to the Commissioner reports evaluating the effectiveness of programs and projects under Title I in meeting the special educational needs of participating children during the preceding school year and the following summer period. In addition to the State annual evaluation reports required by this paragraph, each State educational agency shall submit evaluation reports for two applicant agencies applying under Part 116a, including one for such an agency whose allocation for funds under Title I of the Act for the current fiscal year is among the five highest in the State.

(b) *Reports concerning complaints.* The State educational agency shall report to the Commission on the disposition of all complaints filed and reviewed pursuant to the procedures developed under § 116.6. Reports shall be made as follows:

(1) *Interim reports.* In any case, where the complaint has not been fully investigated and resolved by the expiration of a 60-day period, the State educational agency shall report at that time, the substance of the complaint to the Commissioner along with an explanation of its status;

(2) *Final reports.* In the case of a complaint which has been fully investigated, the State educational agency shall submit a report to the Commissioner which includes at least:

(i) The substance of any allegation and the name of the individual citizen, private organization or local educational agency making the allegation;

(ii) A summary of the results of the investigation and any hearings held concerning the allegation; and

(iii) A statement of the disposition of the complaint by the State educational agency, giving the reasons for such disposition.

(3) *Copies to be sent.* The State educational agency, upon sending its report to the Commissioner, shall send copies thereof to the appropriate applicant agency and the complainant.

(20 U.S.C. 241f(a)(3)(B), 1231(a), 1232c)

Subpart C—Payments

§ 116.17 Payment procedures.

The Commissioner will make all payments of Title I funds in accordance with the requirements of Title I, the regulations of this part and applicable provisions of Parts 116a, 116b, 116c, and 116d, the requirements of Section 435 of the General Education Provisions Act and the provisions set out in Subpart E of Part 100b of this chapter.

(20 U.S.C. 1232d)

§ 116.18 Title I funds not to be considered in determining State aid.

No payments by the Commissioner under Title I will be made to a State for any fiscal year in which the State has taken such payments into consideration in determining the eligibility of an applicant agency for State aid, or in determining the amount of that aid for the free public education of children in such a way as to penalize the applicant agency with respect to the availability of State funds.

(20 U.S.C. 241g(c)(1))

§ 116.19 Maintenance of effort.

(a) *General requirement.* No payments under Title I for any fiscal year may be made by the State educational agency to an applicant agency unless the State educational agency finds that the combined fiscal effort of that applicant agency and the State with respect to the provision of free public education by that applicant agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year.

(b) *Measurement of combined fiscal effort.* For purposes of this section, combined fiscal effort by an applicant agency shall be measured by the amount of the current expenditures per pupil by the applicant agency other than expenditures from funds derived from Federal sources for which the applicant agency is required to account to the Federal Government directly or through the State educational agency; such as funds under Titles I, II, III and IV of the Act, Titles III and V of the National Defense Education Act of 1958, the Johnson-O'Malley Act, and the Economic Opportunity Act of 1964. A combined fiscal effort in the preceding fiscal year shall not be deemed to be a reduction from that in the second preceding fiscal year unless the per pupil expenditure in the preceding fiscal year is less than that in the second preceding fiscal year by more than 5 percent. Any such reduction in the combined fiscal effort by an applicant agency for any fiscal year by more than 5 percent will disqualify the applicant agency unless the agency is able to demonstrate to the satisfaction of the State educational agency that such a reduction was occasioned by an unusual event, such as the removal of a large segment of property from the tax rolls, that could not have been fully anticipated or reasonably compensated for by the applicant agency and a diminished fiscal effort on the part of that agency is not otherwise indicated.

(c) *An applicant agency which receives substantial Federal funds.* An applicant agency receiving at least 95 percent of its funds for education from Federal sources will not be required to meet the provisions of this section.

(20 U.S.C. 241g(c)(2))

§ 116.20 Withholding by the Commissioner.

(a) *Nonconformity.* Whenever the Commissioner, after reasonable notice and opportunity for a hearing to any State educational agency, finds that there has been a failure to comply substantially with any assurance set forth in regard to Title I of the Act in the annual program plan of that State, he will notify the agency that further payments will not be made to the State under Title I of the Act (or, in his discretion, that the State educational agency will not make further payments under Title I of the Act to specified applicant agencies affected by the failure) until he is satisfied that there is no longer any such failure to comply. Until the Commissioner is so satisfied, further payments under Title I of the Act will not be made to that State or payments by the State educational agency will be limited to payments to applicant agencies not affected by the failure, as the case may be.

(b) *Suspension.* The remedy of suspension pending termination as provided in section 434(c) of the General Education Provisions Act may be invoked in connection with a termination under this section.

(c) *Attempts to resolve differences.* Prior to initiating a hearing under this section, the Commissioner will attempt to resolve promptly any apparent differences with the State educational agency regarding the interpretation or application of the provisions of Title I of the Act and the pertinent regulations.

(20 U.S.C. 241(j), 1232c(c), (d))

Subpart D—Provisions Relating to Use of Funds for Particular Purposes

§ 116.30 Planning grants.

An applicant agency may apply for a grant in an amount not exceeding one percent of the maximum grant it is eligible to receive or $2,000, whichever is greater, for planning during the current fiscal year, provided that (a) such planning was, or will be, directly related to programs or projects to be carried out under Title I of the Act and has resulted, or is reasonably likely to result, in a program which will be carried out under that Title, and (b) such planning funds are necessary for that purpose because of the innovative nature of the program or project or because the local educational agency lacks the resources necessary for adequate planning for programs or projects to be carried out under Title I.

(20 U.S.C. 241(e)(a)(1) and (5).)

§ 116.31 Cooperative projects.

Two or more applicant agencies eligible for grants under Title I of the Act may apply for a grant for a single project (including a planning project) to be carried out jointly in accordance with arrangements between or among such educational agencies.

(20 U.S.C. 241e(a)(1))

§ 116.32 Construction and equipment.

(a) *General.* An application for a project grant under Title I may include the acquisition of equipment or the construction or remodeling of school facilities only if it is demonstrated as being essential to the success of a program or project under Title I. Each application shall describe the need for such equipment or construction, in addition to other equipment or facilities previously acquired or constructed by the applicant with funds under Title I and for which the applicant is accountable, in connection with the proposed project. The applicant shall further describe how all such equipment or facilities will be used. If the construction of school facilities is so demonstrated as being essential for a program or project, the application must nevertheless comply with other requirements of Title I and the regulations in this chapter, such as the requirements in Subpart K, Part 100b of this chapter in regard to labor standards and overall State construction planning and, in relation to the overall program, the limitations in § 116a.23(f) in regard to participation by children enrolled in private schools.

(b) *Prohibition against maintaining isolation.* The State educational agency shall not approve a project involving construction of school facilities if it finds that such construction would tend to maintain the social, cultural, or linguistic isolation of children.

(20 U.S.C. 241e(a) (1) and (6), 1232b)

§ 116.33 Reimbursement for expenses incurred by parent council members and volunteers.

Members of parent councils and volunteers not receiving regular compensation under Title I may be reimbursed from Title I funds for personal expenses directly attributable to the performance of their duties and functions as set forth in approved applications.

(20 U.S.C. 241e(a) (14), 1231d)

§ 116.34 Education aides.

An application for a project which involves the use of education aides shall include evidence that the applicant agency has provided, or will provide, a coordinated program of training in which the aides participate together with the professional staff whom they will assist.

(20 U.S.C. 241e(a) (13))

§ 116.35 Staffing for programs and projects.

Payment of Title I funds may be authorized for the employment of the personnel required to provide specific services set forth in approved Title I applications. Such applications shall state the number and types of personnel to be employed.

(20 U.S.C. 241e(a) (11))

§ 116.36 Training.

Payment of Title I funds may be authorized for pre-service and in-service training of persons identified in this section.

(a) *Scope of training.* Such training must be directly related to: (1) The services which such persons will perform during the same project year in connection with an approved program or project under Title I; and

(2) Their needs for the development of competencies required if the program or project is to be effective in meeting the special educational needs of the identified children to be served in the program or project. Such training must be coordinated with any other training being provided in connection with the program or project.

(b) *Eligible persons.* Such training may be provided for:

(1) Title I staff members, Parent Council members, and volunteers who are engaged to perform specific services related to approved programs or projects;

(2) Non-Title I staff specialists who will be dealing solely with children to be served by the Title I projects, and regular classroom teachers of such children; and

(3) The principal of a school for which a Title I program or project has been approved.

(20 U.S.C. 241e(a) (1), (13), and (14), 1231d; House Report No. 93-805, p. 17 (1974), Sen. Report No. 93-1026, p. 146 (1974).)

§§ 116.37–116.39 [Reserved]

Subpart E—Requirements for Applicant Agencies

§ 116.40 Title I funds supplementary to State and local funds.

(a) *General.* (1) Each application by an applicant agency for a grant under Title I shall contain an assurance that the use of the grant funds will not result in a decrease in the use (for educationally deprived children) of State or local funds which, in the absence of funds under Title I, would be made available for the education of such children, and that such children will not otherwise be penalized in the application of State and local funds because of such a use of funds under Title I.

(2) No project under Title I shall be approved unless Federal funds made available for that project (i) will be used to supplement, and to the extent practical, increase the level of State and local funds that would, in the absence of such Federal funds, be made available for the education of pupils participating in that project; (ii) will not be used to supplant State and local funds available for the education of such pupils; and (iii) will be used solely to pay the excess costs of programs and projects assisted under Title I.

(b) *Services which applicant is required to provide.* Title I funds shall not be used to provide services which the applicant agency is required to provide by State law or pursuant to a formal determination under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972 (Pub. L. 92-318), or section 504 of the Vocational Rehabilitation Act of 1973, as amended, or pursuant to a final order of a court.

(20 U.S.C. 241e(a) (1) and (3); Lau v. Nichols 414 U.S. 563 (1974))

§ 116.41 Relation of Title I projects to other programs.

(a) *Coordination in development of application.* Each application by an applicant agency for a grant under Title I shall demonstrate that, in the development of such application, the applicant has taken into consideration benefits which are or may be available through other public and private agencies, and which would contribute toward meeting the special educational needs of educationally deprived children. Such application shall also demonstrate that the applicant has considered suggestions and offers of assistance which have been timely made by such agencies and which may aid in carrying out or making more effective the program or project for which application is made. Applicants shall, upon request, make their applications available to interested public and private agencies far enough in advance of final formulation to enable such agencies to make meaningful suggestions and offers.

(b) *Simultaneous use of funds.* The simultaneous use of funds under Title I and funds under other Federal programs to support discrete portions of a particular project is permissible if (1) the requirements of each program, considered separately, are satisfied with respect to the portion of the project which is being financed from such program; (2) there is no commingling of funds derived from one appropriation with funds derived from another appropriation; and (3) there is no transfer of funds derived from an appropriation to the use of an activity not authorized by the law authorizing such appropriation.

(c) *Use of State and local funds.* A program or project set forth in a project application that meets all the requirements of Title I shall be funded from State and local funds to the extent that such funds are specifically designated and available at the time of application for particular services included in the project. Under the conditions set forth in this section, Title I funds may be used to provide those services not provided by funds from other sources.

(20 U.S.C. 241e(a) (1) and (3), and 1232c (b)(1))

§ 116.42 Administrative control of Title I property.

(a) *Control and title in public agency.* Control over the use of funds provided under Title I, and title to and administrative control over property acquired with these funds, shall be in a public agency, which will exercise such control consistent with §§ 100b.215 and 100b.216 of the general provisions regulations (45 CFR 100b.215, 100b.216). These funds and property shall be used for the purposes provided in Title I but such use shall not inure to the benefit of any private school. The incidental use of such property for other purposes is permitted only for related educational purposes on public premises and only so long as such use does not interfere with the carrying out of a Title I project.

(b) *Equipment.* Equipment acquired with Title I funds may in certain cases be placed on private school premises. Title to and administrative control over such equipment must be retained and exercised by a public agency. In exercising that administrative control, the public agency shall keep records of, and account for, the equipment and shall also assure itself that the equipment is being used solely for the purposes of the project, and remove the equipment from the private school premises when necessary to avoid its being used for other purposes or when it is no longer needed for the purposes of the project.

(c) *Assurance.* An application for a grant under Title I must contain satisfactory assurance that Title I funds and property derived therefrom, will at all times be under the control of, and be administered by, a public agency in accordance with the provisions of Title I and the regulations in this part.

(20 U.S.C. 241e(a) (3) (A) and 1232c(a))

§ 116.43 Measurement of educational achievement and evaluation of programs.

(a) *Annual evaluation procedures.* Each application by an applicant agency for a grant under Title I shall describe the procedures and techniques to be used in making at least annually an evaluation of the effectiveness of the program in meeting the special educational needs of participating children including appropriate performance criteria and the instruments and methods to be used to measure objectively changes in the educational achievement of such children.

(b) *Standards.* The measurement of educational achievement of participating children shall be carried out with regard to objective standards or norms. The type of measurement used shall give particular regard to the requirement under § 116.7 of Subpart B that the State educational agency report to the Commissioner on the effectiveness of the programs in that State in improving the educational achievement of participating children.

(c) *Children in private schools.* The evaluation of programs and projects shall, consistent with the nature and extent of participation of children enrolled in private schools, be extended to such participation.

(20 U.S.C. 241c–1, c–2, c–3, 241e(a) (3) and (6), 241e–1)

§ 116.44 Dissemination and utilization of results of educational research and demonstrations.

Each application by an applicant for a grant under Title I shall describe the methods to be used by the applicant for reviewing, selecting, and disseminating to teachers and educational administrators significant information on the latest developments and most recent experiments in education so that such information will be available for use in program planning and operation. These methods may include, among other things, inservice education, professional workshops and seminars, consultations and visitations, and reports on the organization, operation and outcome of projects under Title I.

(20 U.S.C. 241c–1, c–2, c–3, 241e(a) (10))

§ 116.45 Public information.

Each application by an applicant agency for a grant under Title I shall include specific plans for disseminating information concerning the provisions of Title I, and the applicant's past and present Title I programs—including evaluations of such programs—to parents and to the general public. The applicant agency shall make available to them, upon request, those applications, evaluations of the applicant's past Title I projects, all reports required by § 116.46 to be submitted to the State educational agency, comparability reports and such other documents as may be reasonably necessary to meet the needs of such parents or other members of the public for information related to the comprehensive planning, implementation, and evaluation of the Title I program, but not including information relating to the performance of identified children and teachers. Such information and documentation shall be available until the expiration of five years after the completion of a Title I project, or until any impending audit by the Department of Health, Education, and Welfare or the General Accounting Office (consistent with Section 434(a) of the General Education Provisions Act) has been completed and the questions arising out of it have been resolved. Such plans shall include provision for the reproduction, upon request, of such documents free of charge or at reasonable costs (not to exceed the additional costs incurred which are not covered by Title I funds) or provisions whereby persons requesting such copies will be given adequate opportunity to arrange for the reproduction of such documents.

(20 U.S.C. 241e(a) (8), and (14) (D), 1231d)

§ 116.46 Reports by applicant agencies.

Each application by an applicant agency under Title I shall provide assurance that the applicant agency will render to the State educational agency an annual report and such other reports, in such form, and containing such information, including the results of objective measurements of educational achievement and program effectiveness required by § 116.43 and of research and replication studies, as may be reasonably necessary to enable the State educational agency to perform its duties under Title I. In the case of reports relating to performance the information supplied shall have been developed in accordance with specific performance criteria related to program objectives.

(20 U.S.C. 241c–2, 241c–3, 241e(a) (6) and (7), 241f(a) (3))

§ 116.47 Individualized educational plans.

In considering applications under Title I, a State educational agency shall encourage where feasible applicant agencies submitting such applications to provide for the development for each child participating in an approved program or project under such Title I, an individualized written educational plan (maintained and periodically evaluated), agreed upon jointly by the applicant agency, a parent or guardian of the child, and when appropriate, the child. Funds under Title I of the Act may be used for the purpose of developing, maintaining and evaluating such plans.

(20 U.S.C. 241e(b))

§ 116.48 Operational responsibilities.

The approval of an application under Title I does not relieve an applicant agency of the responsibility to carry out its project or projects in accordance with the approved application, Title I, and the applicable regulations.

(20 U.S.C. 241e, 241j, 1232e(c))

PART 116a—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES TO MEET THE SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED AND NEGLECTED AND DELINQUENT CHILDREN

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116a.3 Eligibility of local educational agencies.
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116a.25 Parent advisory councils.
116a.26 Comparability of services.

AUTHORITY: Section 2, Pub. L. 89-10, 79 Stat. 27, as amended, (20 U.S.C. 241a–241m, 242, 244), unless otherwise noted.

Subpart A—General

§ 116a.1 Applicability.

(a) The regulations in this part and the general regulations in Part 116 of this chapter govern programs and projects for which funds are provided to local educational agencies under Title I of the Elementary and Secondary Education Act to meet the special educational needs of educationally deprived children in school attendance areas with high concentrations of children from low-income families and for children in local institutions for neglected or delinquent children.

(b) Assistance provided under this part is subject to applicable provisions contained in the General Provisions for Education program regulations subchapter A of this chapter (relating to fiscal, administrative, property management and other matters) including Parts 100, 100b (and related appendices) and 100c.

(c) The text of the Title I statute is contained in full in the Appendix to Part 116 of this chapter.

(20 U.S.C. 241a)

§ 116a.2 Definitions.

As used in this part—

"Attendance area" means, in relation to a particular public school, the geographical area in which the children who are normally served by that school reside.

(20 U.S.C. 241e(a)(1))

"Educationally deprived children" means (1) children who have need for special educational assistance in order that their level of educational attainment may be raised to that appropriate for children of their age, and (2) children who are handicapped.

(20 U.S.C. 241e(a)(1)(A))

"Institution for delinquent children" means a public or private residential facility which is operated primarily for the care of children who have been adjudicated to be delinquent or in need of supervision. The term also includes an adult correctional institution in which children reside.

(20 U.S.C. 241c(c)(2)(B), (C))

"Institution for neglected children" means a public or private residential facility (other than a foster home) which is operated primarily for the care of at least ten children who have been committed to the institution, or voluntarily placed in the institution pursuant to applicable State law, because of the abandonment of or neglect by, or death of, parents or persons acting in the place of parents.

(20 U.S.C. 241c(c)(2)(B), (C))

"Project area" means an attendance area, or combination of attendance areas, having a high concentration of children from low-income families which, without regard to the locality of the project itself, is designated as an area from which children are to be selected to participate in a project.

(20 U.S.C. 241e(a)(1))

Subpart B—Eligibility for and Amount of Grants

§ 116a.3 Eligibility of local educational agencies.

(a) A local educational agency in a State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) is eligible for a grant under Title I for a fiscal year if the Commissioner determines, on the basis of satisfactory data available to him, that the number of children counted under section 103(c) of Title I for the school district of such agency for such year amounts to at least 10.

(b) If the Commissioner does not have available satisfactory data on a school district basis, a local educational agency is eligible for such a grant if the school district served by such agency is located in whole or in part in a county in which the Commissioner determines that there are 10 or more of such children.

(20 U.S.C. 241(c)(b))

§ 116a.4 Determination of grant which a local educational agency in a State is eligible to receive.

The grant which a local educational agency in a State (other than Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands) is eligible to receive under Subpart 1 of Part A of Title I for a fiscal year will be determined by the Commissioner in accordance with the provisions of sections 103(a)(2)-(4) and 103(c) of Title I, subject to the provisions of section 144 of such Title.

(20 U.S.C. 241c(a)(2), (3), (4), 241c(c))

§ 116a.5 Allocation of county aggregate grants by State educational agencies.

(a) *General.* Pursuant to Section 103 of Title I, the Commissioner is authorized to determine the grant which a local educational agency is eligible to receive, if satisfactory data are available from the Department of Commerce for such agencies. However, if such data are not available, these determinations are made for counties, and the State educational agencies allocate the county amounts among the local educational agencies in the counties. This section prescribes criteria for the allocation by a State educational agency of the aggregate amount determined for a county (under section 103(a)(2) of Title I) among the local educational agencies whose school districts are located in whole or in part in such county. Such aggregate amount is hereinafter referred to as the county aggregate grant.

(b) *Children in institutions.* To the extent that a county aggregate grant is based on the number of children aged 5 to 17, inclusive, living in institutions for neglected or delinquent children, the county aggregate grant shall be allocated on the basis of the location of such institutions in the various school districts of the local educational agencies concerned. For the purpose of this part, the number of such children shall be the number in the October caseload who have resided in the institution for at least 30 days. If a State educational agency determines that a local educational agency is unable or unwilling to provide for the special educational needs of such children, that portion of the grant of that local educational agency which is based on such children shall be assigned to the State educational agency if it assumes that responsibility. If the State educational agency does not assume that responsibility, it shall designate another State or local public agency that is able and willing to assume that responsibility. If no such public agency is found by the State educational agency, the amount attributable to such children shall be deducted from the local educational agency's allocation and shall not be available for reallocation.

(c) *Allocation of remainder of county grant.* Subject to applicable provisions of law (including the provisions of section 144 of Title I), the remainder of the county aggregate grant shall be allocated by the State educational agency among the several local educational agencies whose school districts lie (in whole or in part) within the county on the basis of the current distribution in the county of children aged 5 to 17, inclusive, from low-income families (using a poverty level selected by the State educational agency consistent with the purposes of Title I) as determined on the basis of the available data which such State educational agency deems best to reflect the current distribution in the county of children aged 5 to 17, inclusive, from low-income families. The following are considered acceptable types of data: (1) 1970 census data on the number of children from low-income families, and (2) data on children in families receiving payments under the program of aid to families with dependent children under a State plan approved under Title IV of the Social Security Act and foster children. Other types of data must be approved by the Commissioner before use by the State educational agency.

(20 U.S.C. 241c(a)(2), (3)(A))

§ 116a.6 Local educational agencies in more than one county.

The allocation made pursuant to § 116.5 to a local educational agency located in more than one county shall be made separately for each county in which a part of the school district served by that local educational agency is located. The grant for such a local educational agency shall be the sum of its allocations from the aggregate grants of the counties in which it is located.

(20 U.S.C. 241c(a)(2))

§ 116a.7 Local educational agencies with overlapping jurisdictions or serving children from another school district.

In any case in which two or more local educational agencies have responsibility for different groups of children in a school district, or serve school districts which overlap, or in any case in which a local educational agency provides free public education for a substantial number of children residing in the school district of another local educational agency, the State educational agency may allocate the amount of the grants for those agencies among them in such manner as it determines will best carry out the purposes for which the grants under Title I are made available.

(20 U.S.C. 241c(a)(2)(B))

§ 116a.8 Changes in local educational agencies.

(a) *Merger or consolidation.* In any case in which there is a merger or consolidation of local educational agencies during the school year, the grant which each such agency was eligible to receive shall become available to the surviving or consolidated agency. The surviving or consolidated agency shall be responsible for projects which have not been completed and were previously approved for each of the agencies participating in the merger or consolidation.

(b) *Changes in service areas.* In any case in which the geographical area of a school district served by a local educational agency is diminished, or divided with another local educational agency, during the school year, the State educational agency shall redetermine the grants by using the same method used in making the original determination. However, nothing herein shall preclude the completion, where appropriate, of previously approved projects by the agency originally submitting the projects by itself or through a cooperative undertaking.

(20 U.S.C. 241c(a)(2))

§ 116a.9 Ratable reductions.

If the sums appropriated for any fiscal year are not sufficient to pay in full the amounts which all local educational agencies are eligible to receive under Title I for that year, the amounts available to local educational agencies shall be determined in accordance with section 144 of Title I.

(20 U.S.C. 241h)

§ 116a.10 Further assistance to certain local educational agencies.

Section 101(a)(10) of Pub. L. 93-380 provides for an authorization of appropriations for each fiscal year to be allocated at the discretion of the Commissioner to assist local educational agencies whose total allocation under part A of Title I is 90 per centum or less than such allocation under such part A during the preceding fiscal year. The Commissioner will distribute any funds appropriated under section 101(a)(10) among local educational agencies described in the preceding sentence in such a manner as to raise the allocations for each such agency to 90 percent of its preceding fiscal year's allocation or as close to that level as the appropriation will permit. Any funds in excess of the amount required for that purpose shall be allocated by the Commissioner to those local educational agencies which would have received more than 90 percent of their preceding year's allocation if the "85 percent hold harmless" provisions of section 144 of Title I were not in effect. The Commissioner will make such allocations on the basis of the most satisfactory data available to him as to the amount each such local educational agency would have received in the absence of the "hold harmless" provision.

(20 U.S.C. 241b-1, 241b; Pub. L. 93-380, sec. 101(a)(10))

§ 116a.11 Reallocation.

(a) *States.* (1) The State educational agency in the States of the Union, the District of Columbia, and Puerto Rico shall determine not earlier than March 31 of a fiscal year the amounts allocated for that year to local educational agencies in excess of the amounts required for approved programs and projects and shall certify such amounts to the Commissioner. Such amounts shall be made available, first by State educational agencies to other educational agencies in the particular State but not so as to make available to an agency more than the maximum grant to which that agency is entitled. (2) The amounts made available under this paragraph for distribution within a State shall be distributed among the local educational agencies which apply for additional funds and which have the greatest needs to redress inequities inherent in, or mitigating hardships caused by, the application of the provisions of section 103(a)(2) of Title I and §§ 116a.4 and 116a.5. The needs of the local educational agencies, and the amounts to which they shall be eligible, shall be determined on the basis of the extent to which the State educational agency determines the application of those provisions fail, as a result of population shifts, changing economic conditions, or other reasons, to reflect actual needs. (3) In the event excess amounts are still available after applying the foregoing provisions of this paragraph, those excess amounts will be distributed by the Commissioner among other States of the Union or the District of Columbia, or Puerto Rico in accordance with their needs as determined by the Commissioner for use by local educational agencies having the greatest need therefor. In no event, however, will the total amount made available to an agency exceed the maximum grant to which that agency is entitled. (4) "Maximum grant" for the purpose of this subsection means the grant which a local educational agency is eligible to receive before the operation of the provision for ratable reductions as set forth in Section 144 of Title I and § 116a.9.

(b) *Outlying areas; Department of Interior.* By March 31 of each fiscal year the Commissioner may require (1) State educational agencies in Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands to certify to him the amounts for which applications have been or will, during that fiscal year, be approved by such agencies, and (2) the Department of the Interior to report the amount needed by that Department for Title I projects. The excess of the amounts made available to any of such agencies or the Department of the Interior over the amounts which the Commissioner determines are needed by them will be redistributed among eligible agencies according to their respective needs for such amounts as redetermined by the Commissioner at that time.

(20 U.S.C. 241h)

§ 116a.12 Special incentive grants.

(a) *General.* Subject to the provisions of section 144 of Title I any State of the Union and the District of Columbia shall be entitled to receive a grant pursuant to Part B of Title I if it meets the requirements of that Part.

(b) *Applications.* (1) An incentive grant under this section will be made to a State upon application therefor by the State educational agency to the Commissioner submitted not more than 30 days after the date on which the Commissioner notifies the State educational agency of the State's eligibility for such grant and the amount thereof, or by the end of the applicable fiscal year, whichever occurs earlier. (2) Such an application shall include information concerning the policies and procedures to be used in selecting the local educational agencies which will receive incentive grant funds and the amounts of such assistance. Such information shall be presented in detail sufficient to assure the Commissioner that incentive grant funds will be made available to local educational agencies in the State with the greatest need for assistance under Title I and in amounts corresponding to their respective needs. Such policies and procedures shall take into account factors appropriate for those purposes, including the amounts available to local educational agencies under Part A of Title I; the number and percentage of children from low-income families in the several school districts; the number and percentage of such children not otherwise being served under Title I; any sudden influx in the number of such children; dropout rates; the incidence and severity of special educational needs as indicated by test scores or other measures; the availability of funds from other sources for programs for educationally deprived children; and the local fiscal effort.

(c) *Use of funds.* Incentive grant funds shall be made available to a limited number of local educational agencies for specific projects which the State educational agency deems to be innovative or which: (1) Show special promise of success through the modification or revision of existing Title I programs; (2) are of sufficient size, scope, and quality as required by § 116a.22; (3) include performance criteria to be used in connection with the evaluation of such projects; and (4) otherwise meet the requirements for projects under Part A of Title I.

(20 U.S.C. 241d, 241d-1, 241d-2, 241g(b)(1))

§ 116a.13 Grants to local educational agencies in the outlying areas and payments to the Secretary of the Interior.

(a) *Allotments.* An amount equal to one per centum of the amount allotted for grants to local educational agencies in States as defined in section 103(a)(4) of Title I shall be allotted (1) for grants to local educational agencies of Guam, American Samoa, the Virgin Islands and the Trust Territory of the Pacific Islands and (2) for payments to the Secretary of the Interior. Such additional amounts shall be allotted as will assure that the amount for each such outlying area and for payments to the Secretary of the Interior shall not be less than the corresponding amount for fiscal year 1973.

(b) *Out-of-State Indian children.* The Secretary of the Interior shall, from the amount allotted to him in accordance with paragraph (a) make payments to local educational agencies upon such terms as the Commissioner finds will best carry out the purposes of Title I, with respect to Indian children who do not reside in the State in which such agency is located but who are being educated in the elementary and secondary schools of such agencies under special contracts with the Department of Interior. The use of such funds for the special educational needs of such children shall be approved by the State educational agency of the State in which the local educational agency is located and the Department. The amount available to a local educational agency shall not exceed for each such child 40 per centum of (1) the average per pupil expenditure in the State in which the agency is located or (2) 120 per centum of such expenditure in the United States, whichever is greater.

(c) *Agreements.* The remainder of the payments to be made to the Secretary of the Interior not required for the purposes of paragraph (b) shall be made pursuant to an agreement between the Commissioner and the Secretary of the Interior, containing such assurances and terms as the Commissioner determines will best achieve the purpose of Title I. Such agreement shall contain assurances that payments made pursuant to this paragraph will be used solely for programs and projects approved by the Secretary of the Interior which meet the applicable requirements of Title I, this Part, and Part 116.

(20 U.S.C. 241e(a)(1), 241e(d))

Subpart C—Program Requirements

§ 116a.19 Project applications.

(a) *General.* Grants under Title I to a local educational agency may be made only on the basis of applications therefor which are submitted to the State educational agency and approved by it in an amount not in excess of the allocation of the funds made available for that local educational agency pursuant to § 116a.5 of Subpart B.

(b) *Projects and project areas.* (1) An application for a grant under Title I by a local educational agency shall set forth one or more projects specifically designed to meet the special educational needs of educationally deprived children residing in a school attendance area (or areas) having high concentrations of children from low-income families. (2) If the local educational agency has children living in institutions for neglected or delinquent children, who have been counted pursuant to section 103(c)(1)(C) of Title I and § 116a.5(b), then such application shall also set forth a project (or projects) designed specifically to meet special educational needs of such children.

(c) *Location of services.* The project itself shall be carried out at locations where the needs of the children can best be served.

(d) *Prohibition against assignment of allocation.* Subject to the reallocation authority in § 116a.11 of Subpart B, no local educational agency may assign any part of its allocation to another agency. This does not, however, prevent a State educational agency from exercising its authority under § 116a.7 nor prevent two or more applicants in one or more States from conducting a joint program or project (including a planning project) through a combined use of funds made available to them.

(20 U.S.C. 241a, 241e(a)(1), 241g(a)(2)).

§ 116a.20 Selection of Title I attendance areas.

(a) *Designation of project areas.* An application for a grant under Title I by a local educational agency (other than an application for a grant for planning) shall designate the project area or the institution for which each project set forth in the application is designed. The project area must be sufficiently restricted in size in relation to the nature of the project as to avoid jeopardizing the effectiveness of the project in meeting its aims and objectives.

(b) *Eligibility of attendance areas.* (1) Except as otherwise provided in paragraphs (g) and (h) and section 150 of Title I of the Act, a school attendance area for either a public elementary school or a public secondary school may be designated as a project area, or for inclusion in a project area, if it has, on a percentage or numerical basis, a high concentration of children from low-income families.

(2) An attendance area may be designated under paragraph (1) on a percentage basis if the percentage of children from low-income families in that attendance area is at least as high as the percentage of such children residing in the whole of the school district. In addition, upon specific request by the local educational agency, the State educational agency may approve the designation of attendance areas in which at least 30 percent of the children are from low-income families. For the purposes of the preceding sentence, such children includes only children who are determined to be eligible for free lunches, pursuant to the criteria established by the appropriate State educational agency pursuant to the National School Lunch Act (42 U.S.C. 1758b) and for which regulations are provided in 7 CFR 245.

(3) An attendance area may be designated under paragraph (1) on a numerical basis if the estimated number of children from low-income families residing in that attendance area is at least as large as the average number of such children residing in each of the several school attendance areas in the school district.

(4) If a combination of the numerical and percentage basis is used, the number of attendance areas actually designated under paragraph (1) may not exceed the number of such areas that could be so designated if only one such method had been used.

(5) Each of the provisions of this paragraph and of paragraphs (c), (d), (g), and (h) of this section may be applied separately to groups of schools (e.g., elementary, junior high school or middle school, and secondary) grouped in accordance with § 116a.26(i)(1) and (2).

(20 U.S.C. 241e(a)(1)(A))

(c) *Ranking of attendance areas.* (1) Except upon request to and approval by the State educational agency based on an assessment of particular educational needs in accordance with subparagraph (2) of this paragraph, a local educational agency shall not designate a school attendance area as a project area (or for inclusion in a project area) unless all attendance areas with a higher percentage or number of children of low-income families (depending on the method used to determine the eligibility of the school attendance area) have been so designated or have been designated to receive (through the use of funds from other sources) services of the same nature and scope as those that would otherwise be provided under Title I.

(2) A local educational agency is not required to designate an area on the basis of its rank. If such agency can demonstrate, to the satisfaction of the State educational agency, that the incidence and severity of educational deprivation in that area is substantially less than in other attendance areas proposed to be designated. In no event, however, shall the State educational agency approve such a request without first determining (in accordance with the procedures in § 116a.26) that the services provided with State and local funds in any area which has a higher percentage or number of children of low-income families but which is not designated for a project area are comparable to the services provided in other areas not designated.

(d) *Districts with no wide variance in the incidence of poverty.* If there is no wide variance in the concentrations of children from low-income families among the several school attendance areas in a school district, the whole of that school district may at the option of the local educational agency be regarded as a project area. Such a determination may be made only if the variation between the areas with the highest and lowest percentage of such children is not more than one-third of the average percentage of children from low-income families in the district as a whole.

(e) *Cooperative projects.* In the case of a project undertaken jointly by two or more local educational agencies, the project area with respect to each school district must be one that qualifies as a project area under this section. However, the whole of the project area must be considered in determining whether it is sufficiently restricted in size in relation to the nature of the project as to maintain the effectiveness of the project in meeting its aims and objectives.

(f) *Determining number of children from low-income families.* Except for the purposes of the second sentence of paragraph (b)(2) of this section, where data are not available to make an accurate determination of the number of children from low-income families, the number may be estimated on the basis of the number of children in families receiving Aid to Families with Dependent Children (AFDC), the number of children eligible to receive benefits under the National School Lunch Act, or any other reliable and uniform indicator of poverty, or a combination of such factors. However, whatever data are used must be applied uniformly throughout the applicant's school district.

(20 U.S.C. 241e(a)(1)(A))

(g) *School attendance areas qualifying in prior fiscal years.* A school attendance area which (1) does not meet the requirements of this section for a fiscal year but (2) did meet such requirements and received Title I services in either of the two fiscal years immediately preceding such fiscal year shall be deemed to meet such requirements for such fiscal year. A local educational agency shall not be required to apply the provisions of paragraph (c) of this section to a school attendance area described in the preceding sentence. Neither of such two preceding fiscal years shall be earlier than fiscal year 1975.

(20 U.S.C. 241e(a)(13); Senate Rept. No. 93-1026, p. 144 (1974))

(h) *Services to certain public schools in nonqualifying school attendance areas.* The purpose of section 101(a)(5)(A) of Pub. L. 93-380 amending section 141(a)(1)(A) of Title I is to allow local educational agencies to designate for projects, those schools which would otherwise qualify on the basis of their own enrollments but do not qualify because they are not located in an attendance area with large numbers of children from low-income families. Therefore, at the discretion of a local educational agency, notwithstanding any other provision of this section, Title I services may be provided for educationally deprived children enrolled in a school of such agency although the attendance area of that school does not qualify under this section if the percentage or number of children from low-income families in average daily attendance at that school is at least as high as the districtwide average percentage or number required for eligibility on an attendance area basis in accordance with paragraph (b) of this section.

(20 U.S.C. 241e(a)(1)(A); House Rept. No. 93-805, p. 16-17 (1974))

§ 116a.21 Needs assessment.

The application by a local educational agency under this part shall contain sufficient information and documentation to enable the State educational agency to determine that the applicant local educational agency has taken the steps in making a needs assessment described as follows:

(a) *Review of existing data.* The local educational agency has reviewed appropriate existing data, including past evaluations of Title I projects in that local educational agency, and data on the performance in the agency's basic programs of instruction of children residing in all eligible attendance areas. This must be done to determine the incidence and severity of educational deprivation among all children residing in an eligible attendance area. Such children shall include children enrolled in private schools, preschool children, children of school age not enrolled in a school, children in local institutions for neglected or delinquent children, as well as children enrolled in a public school.

(b) *Selection of project areas, target groups, and the needs to be served.* The local educational agency, on the basis of its findings from the review conducted under paragraph (a) has selected: (1) The project areas (in accordance with the procedures of § 116a.20); (2) The age or grade levels at which it will operate the Title I project (or projects); and (3) The types of educational needs to be addressed by these projects.

(c) *Identification of all target group children.* The local educational agency, using appropriate data and specified criteria, has identified all of the educationally deprived children in the project areas, who are in the age or grade levels and have the types of educational needs identified in accordance with paragraph (b).

(d) *Identification of children most in need.* The local educational agency has secured any additional objective data which, in combination with the existing data specified in paragraph (a), will enable it to identify which of the educationally deprived children identified in paragraph (c) are most in need of special assistance.

(e) *Selection criteria.* The local educational agency has set forth specific criteria by which the educationally deprived children residing in the project areas and all children in institutions for neglected or delinquent children counted for payment under this part will be chosen to receive Title I services. Educationally deprived children chosen may include those identified as having the greatest need in accordance with paragraph (d) and those residing in a project area who participated in a project conducted in the previous year (if such children are still educationally deprived). A child may not be excluded from participating in a project because he or she is not from a low-income family or not attending school at the time.

(f) *Diagnostic procedures.* The local educational agency has used adequate diagnostic procedures to determine the special educational needs of the children chosen to be served in a Title I project.

(g) *Consultation.* In making the determinations under this section, the local educational agency has, to the extent feasible, consulted with teachers, parents, and persons knowledgeable of the needs of private and public school children and children in local institutions for neglected or delinquent children.

(20 U.S.C. 241e(a), (1), (2), and (b); House Rept. No. 93-805, p. 20-21)

§ 116a.22 Project description, size, scope, and quality.

(a) *Project description.* Each application for one or more projects under this part shall contain a description of the project in sufficient detail to enable the State educational agency to make the determinations detailed in paragraph (b) of this section. This description shall include:

(1) The educational objectives of the project and the relationship of these objectives to the special educational needs identified by the diagnostic procedures required by paragraph (f) of § 116a.21;

(2) The resources (including the type of staff and materials) to be used in the implementation of the projects and plans for their use;

(3) The time periods and instructional settings for the project services;

(4) The number of the children to be served and a general description of their special educational needs;

(5) The approaches, methods, and techniques that will be used to evaluate the success of the project in attaining its objectives;

(6) A budget detailing the expenditures required for the implementation of the project;

(7) The special educational needs and number of children, if any, who reside outside the project area and who will participate, as well as the manner of their participation; and

(8) Specific provisions for informing and consulting with parents concerning the services to be provided for their children under Title I, the performance of their children and the ways in which such parents can assist their children in realizing the benefits those services are intended to provide.

(b) *Size, scope, and quality.* A State educational agency shall not approve a project for which an application has been made unless it determines that the project is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of the children to be served. Such a determination shall be made only if the State educational agency finds that:

(1) The educational objectives of the project are adequately related to one or more of the special educational needs of the participating children as identified in accordance with § 116a.21;

(2) The resources to be used in the project and the plans for their use are consistent with and show reasonable promise of meeting the objectives of the project;

(3) The evaluation plans comply with § 116.43 and are adequate for measuring the attainment of the objectives described in subparagraph (a)(1) of this section;

(4) The expenditures for the project (as set forth in the budget) are:

(i) At least $2500 or a lesser amount as may be set by the State educational agency, in accordance with section 141 (a)(1)(B) of Title I, upon its determination that it would be impracticable (for reasons such as distance or difficulty of travel) for the applicant to join effectively with other local educational agencies for the purpose of meeting that dollar requirement;

(ii) Not imprudent, extravagant, excessive, or wasteful; and

(iii) Proposed for use solely to meet the special educational needs of educationally deprived children identified in accordance with § 116a.21;

(5) The project is concentrated on a sufficiently limited number of services for a sufficiently limited number of educationally deprived children, identified in accordance with § 116a.21, to show reasonable promise of meeting the educational objectives identified in subparagraph (a)(1) of this section;

(6) The project has not been designed to meet, nor will it have the effect of meeting, the general needs of schools or of the student body at large in a school or of a specified grade in a school;

(7) Any services or resources provided under Title I will be offered to only those children who have been selected to participate in the project in accordance with § 116a.21, except as approved in accordance with paragraph (b)(9);

(8) If services are provided in the regular classroom or in other settings in which children other than those properly selected to participate in the project will be presented, these services will be directed to the selected children and the effectiveness of the project will not be impaired by the presence of children other than those selected to participate;

(9) If educationally deprived children residing outside the project area will participate: (i) These children will meet

the criteria other than residency for participation in the project; (ii) Their participation will not result in the exclusion of children from the project area who meet these criteria; (iii) The project will have been designed solely for the selected children from the project area; and (iv) Participation of children from outside the project area will not impair the effectiveness of the project and will not result in any extra cost; and

(10) Services are equitably provided to all children with State and local funds without regard to the availability of Title I funds in the applicant's schools for the educationally deprived children.

(20 U.S.C. 241e(a)(1), (b) and 241j)

§ 116a.23 Participation by children enrolled in private schools.

(a) *General requirement.* Each local educational agency shall provide special educational services designed to meet the special educational needs of educationally deprived children residing in its school district who are enrolled in private schools. Such educationally deprived children shall be provided genuine opportunities to participate therein consistent with the number of such educationally deprived children and the nature and extent of their educational deprivation. The special educational services shall be provided through such arrangements as dual enrollment, educational radio and television, and mobile educational services and equipment. Such opportunities shall be made available to those educationally deprived children who reside in the public school attendance area or areas designated as the project area. If it is not practicable to apply a project to children enrolled in private schools because they are enrolled in a private school located in another school district, the applicant may make arrangements for such children with the local educational agency serving such other school district, including where appropriate, the making of a joint project application.

(b) *Determination of needs, number of children, and types of services.* The needs of educationally deprived children enrolled in private schools, the number of such children who will participate in the program, and the types of special educational services to be provided for them shall be determined, after consultation with persons knowledgeable of the needs of these private school children, on a basis comparable to that used in providing for the participation in the program by educationally deprived children enrolled in public schools.

(c) *Nature and comparability of services.* If, after consultation with persons knowledgeable of the needs of private school children, the local educational agency determines that it is necessary, in order to meet the special educational needs of eligible private school children, services and activities may be provided to such children which are different from those provided to public school children. However, consistent with the principles set forth in § 116a.22 of this subpart, those services and activities must be comparable in quality, scope, and opportunity for participation to those provided to public school children with needs of equally high priority.

(d) *Design of projects.* The opportunities for participation by educationally deprived children in private schools in the program of a local educational agency under Title I shall be provided through projects of the local educational agency which furnish special educational services that meet the special educational needs of such educationally deprived children rather than the needs of such schools or the student body at large or of children within a specific grade. Provisions for serving children in private schools shall not include the financing of the existing level of instruction in the private schools. The application shall contain sufficient information to enable the State educational agency to determine that, with respect to children enrolled in private schools, the requirements of § 116a.21 have been satisfied, and such application shall state the number of such children who were found to be educationally deprived according to specific criteria, the number of such children who are expected to participate in each of the services under Title I and the degree and manner of their expected participation.

(e) *Avoidance of separate classes.* Any project involving the participation at the same site of children enrolled in private schools and children enrolled in public schools shall include such provisions as are necessary to avoid classes which are separated by school enrollment or religious affiliation of the children.

(f) *Limitations on availability of services in other than public school facilities.* Public school personnel may be made available on other than public school facilities only to the extent necessary to provide special services (such as therapeutic, remedial, or welfare services, broadened health services, school breakfasts for poor children, and guidance and counseling services) for those educationally deprived children for whose needs such services were designed and only when such services are not normally provided by the private schools. The application for a project including such special services shall provide satisfactory assurance that the applicant will maintain continuing administrative direction and control over those services and, in accordance with § 116.36, over the use of equipment required to provide such services. Provisions for special educational services for educationally deprived children enrolled in private schools shall not include the paying of salaries for teachers or other employees of private schools, except for services performed outside their regular hours of duty and under public supervision and control, nor shall they include the construction of private school facilities.

(g) *Other requirements.* Special educational services and arrangements provided under this section shall meet the requirements of clauses (A) and (B) of section 141(a)(1), section 141(a)(2), and clauses (A) and (B) of section 141(a)(3) of Title I.

(20 U.S.C. 241e(a) (1), (2), and (3) 241e-1 (a); *Wheeler v. Barrera*, 417 U.S. 402 (1974))

§ 116a.23-1 Waiver of requirements for participation by children enrolled in private schools.

(a) *Approval of applications.* The State educational agency shall not approve an application for a grant for a program that does not meet the requirements of § 116a.23 of this subpart unless and until a final determination to waive such requirements has been made by the Commissioner pursuant to section 141A of Title I and satisfactory arrangements have been made for the provision of such services by the Commissioner under this section. The State educational agency shall notify the Commissioner that an application has been disapproved because of the local educational agency's failure to meet the requirements of § 116a.23 and set forth the reasons and supporting evidence for such disapproval.

(b) *Waivers in cases of legal prohibition.* If a local educational agency is prohibited by law from providing for the participation in special programs for educationally deprived children enrolled in private elementary and secondary schools as required by sections 141(a)(2) and 141A(a) of Title I and § 116a.23 of this subpart, the Commissioner will waive such requirement and the provisions of section 141(a)(2) and will arrange for the provision of services to such children through arrangements which shall be subject to the requirements of section 141A(a) of Title I. For the purpose of determining whether a local educational agency is prohibited by law from providing for participation of educationally deprived children in private schools, the Commissioner may require the State educational agency to furnish an opinion of the Attorney General of the State with regard to the status of State law regarding such participation.

(c) *Waivers in cases of substantial noncompliance.* (1) If the Commissioner determines that a local educational agency has substantially failed to provide for the participation, on an equitable basis, of educationally deprived children enrolled in private elementary and secondary schools (as set forth in an approved application) as required by section 141(a)(2) and 141A(a) of Title I and § 116a.23 of this subpart, he shall make arrangements for the provision of services to such children, which shall be subject to the requirements of section 141A(a) of Title I, upon which determination the provisions of such section and section 141(a)(2) of Title I shall be waived.

(2) Where a local educational agency, pursuant to an application approved under this Part, undertakes to provide for the participation, on an equitable basis, of children enrolled in private elementary and secondary schools (as required by Title I and § 116a.23 of this Part) and such agency thereafter reduces the size, scope, or quality of the services provided such children prior to

(i) a final determination by the Commissioner to waive such requirement and (ii) the implementation of satisfactory arrangements for the provision of such services by the Commissioner under this section, no obligations or expenditures incurred by such agency may be recognized as allowable under Title I for the period during which such reduction of services takes place.

(d) *Cost of arrangements by Commissioner.* When the Commissioner arranges for services pursuant to this section, he shall, after consultation with the appropriate public and private school officials, pay the cost of such services from the appropriate allocation or allocations under Title I. In the case of arrangements under this section, such allocation shall be the allocation of the local educational agency affected, and at the discretion of the Commissioner, the proportionate amount of State administrative funds, except that no State may receive less than $150,000 as provided by § 116.4.

(e) *Notice, opportunity for hearing, judicial review.* (1) The Commissioner shall not take any final action under this section until he has afforded the State educational agency and local educational agency affected by such action at least sixty days notice of his proposed action and an opportunity for a hearing with respect thereto on the record.

(2) If a State or local educational agency is dissatisfied with the Commissioner's final action after a hearing under paragraph (e)(1) of this section, it may, within sixty days after notice of such action, file, with the United States Court of Appeals for the circuit in which such State is located, a petition for review of that action in accordance with the provisions in section 141A(b)(4) of Title I.

(20 U.S.C. 241e–1)

§ 116a.24 Bonus pay for teachers.

(a) *General.* An application for a grant for a project under Title I may include, as a part of the applicant's program, provision for the payment of bonuses to teachers in a limited number of schools serving attendance areas with exceptionally high concentrations of children from low-income families.

(b) *Definition.* For the purposes of this section, the term "teacher" means a person holding a teaching certificate in the State who has a regular instructional assignment and is taken into account in the computation of pupil-teacher ratios in the State.

(c) *Eligibility of teachers; amount of bonuses.* The eligibility of teachers for such bonuses may be made subject to such conditions, including the completion of prescribed courses of special training, as may be set by the local educational agency with the approval of the State educational agency. Such bonuses must be reasonable in amount but must be deemed (by the approving State educational agency) to be sufficient to attract to, or retain at, such schools the teachers best qualified to help meet the special educational needs of the educationally deprived children to be served by the program of the local educational agency.

(d) *Application.* (1) A project application that includes provision for the payment of teacher bonuses must demonstrate that the applicant's regular salary schedule has not attracted or has not retained sufficient numbers of teachers of high caliber in the area in which the teacher bonus provision is to be made applicable. It must also demonstrate how the local educational agency plans to recruit, hire, provide inservice training to, and evaluate all teachers who will receive bonuses, and how such teachers will serve as an integral part of the Title I program.

(2) The continuation of the payment of teacher bonuses by a local educational agency beyond a two-year period shall be conditioned upon a demonstration in project applications for subsequent years that bonus payments in the school district have in fact been effective in attracting and retaining teachers of high caliber and that such teachers have significantly contributed to improving the performance of educationally deprived children. For this purpose, the State educational agency must assume a special responsibility for monitoring and evaluating teacher bonus components of programs in the light of specific measurable goals and must collect and maintain data on the extent of the use and the effectiveness of such teacher bonus components of programs under Title I.

(20 U.S.C. 241e(a)(1))

§ 116a.25 Parent advisory councils.

(a) *General requirements.* Each local educational agency shall demonstrate in each annual application submitted under this subpart that it has established an advisory council (hereinafter "district advisory council") for the entire area to be served under Title I and, except as provided in paragraph (f) of this section, an advisory council for each school of such agency served by the program or project set forth in the application (hereinafter "school advisory council"). Such agency may establish intermediate councils for groups of schools within its school district. The purpose of the advisory councils is to encourage parental involvement at the local level as an important means of increasing the effectiveness of programs under Title I. The application of such agency shall demonstrate that the district advisory council, each intermediate council, and each school advisory council, in accordance with the provisions of this section:

(1)(i) Has, as a majority of its members, (A) parents of children (including parents of private school children) who are currently participating in the program or (B) parents of children who will participate in the projects proposed for the following fiscal year, if satisfactory data is available to identify such children.

(2)(i) In the case of a districtwide or intermediate advisory council, is composed of members selected by the parents in the school attendance areas designated as project areas, and (ii) in the case of a school advisory council, is composed of members selected by the parents in the school attendance area of such council;

(3) Has been given responsibility for advising the local educational agency in the planning, implementation, and evaluation of, such program or project;

(4) Is provided by such agency with access to appropriate information concerning such program or project;

(5) Operates under procedures which are adequate to insure timely and proper performance of its functions, including procedures for convening meetings, and for the recording and maintenance of minutes; and

(6) Has been provided with procedures for coordinating its functions and its recommendations to the local educational agency with those of other councils in the district.

(b) *Participation of parents in selection of councils.* All of the parents of children eligible to attend a public school serving a project area, including parents of children living in such area and enrolled in private schools, shall be eligible to participate in the selection of members of the appropriate district and intermediate councils and the school advisory council of that school.

(c) *Identification of parents eligible for membership.* In consultation with the district advisory council, the local educational agency shall establish appropriate procedures whereby parents of children who are currently participating in a project or who will be participating in the proposed project be identified so that they may be considered for membership on a school, intermediate or district advisory council. In no case may parents be identified, for the purposes of this subsection, unless they have first given their consent to be so identified.

(d) *Procedure for selection.* The local educational agency, after consultation with the district advisory council, shall establish appropriate procedures for the nomination and selection of parents eligible under paragraph (c) and other persons for service on district, intermediate and school advisory councils. Such procedures shall include provision for affording timely and adequate notice to the parents and the general public in the agency's school district (or in the appropriate school attendance area in the case of a school council) of the time, place, and method whereby such selection would be made. The local educational agency shall take appropriate measures, such as the publication of the notice in a language other than English, to insure that adequate notice is provided for parents in an area where the dominant language is other than English. Upon the selection of members of the council, the names of all members of such council shall be made available to the public through appropriate notices and continue to be available upon request. Members of an advisory council shall be residents of the school district, and members of a school council shall reside in the attendance area of that school.

(e) *Membership of districtwide or intermediate councils.* The local educational agency may provide that the membership of its districtwide or intermediate advisory councils will be composed solely of members of the school councils, each member of which is elected by his or her school council.

(f) *Local educational agencies with one school or less than 1,000 students in all project area schools.*

If a local educational agency (1) has less than 1,000 students enrolled in its project area schools, or (2) has only one project area school, it may decide, with the approval of the State educational agency to have its district advisory council also serve as its school councils. In any such case the district council shall consist of at least one advisory council member representative of each project area school.

(g) *Involvement of councils.* Each local educational agency shall include in its application sufficient information to enable the State educational agency to make the following determinations:

(1) That each council member has been furnished copies of Title I of the Act, the Federal regulations, guidelines and criteria issued pursuant thereto, State Title I regulations and guidelines.

(2) That all council members will receive appropriate training materials and orientation which will assist them in carrying out their functions under this section; and

(3) That each council will be provided with the local educational agency's current application, other information and documents (such as prior applications in accordance with the availability of information to the public pursuant to § 116.45 for Title I projects and evaluations thereof) as may be needed for the effective involvement of each such council in the planning, implementation, operation, and evaluation of projects under Title I;

(4) That each council has had an adequate opportunity to consider the information available concerning the special educational needs of the educationally deprived children residing in the project area (or areas), and the various programs available to meet those needs, and to make recommendations concerning those needs which should be addressed through the Title I program and similar programs; and

(5) That all parents of children to be served have had an opportunity to present their views concerning the application to the appropriate school council, and that each council has had an opportunity to submit its comments to the local educational agency which shall consider such comments in determining whether or not the application shall be approved and submitted to the State educational agency.

(h) *Additional rules and procedures.* The State educational agency may establish such additional rules and procedures, not inconsistent with the provisions of this section, as may be reasonably necessary to insure the involvement of parents and the proper organization and functioning of parent advisory councils.

(20 U.S.C. 241e(a)(8), (14), 1231d H. Rept. 93-805, p. 18-19 (1974))

§ 116a.26 Comparability of services.

(a) *State agency action regarding applications.* A State educational agency shall not approve an application of a local educational agency for a grant under section 141(a) of Title I, or make payments of Title I funds under a previously approved application of such agency, unless that local educational agency has demonstrated, in accordance with paragraph (e) of this section, that services provided with State and local funds derived from public sources in Title I project areas are at least comparable to the services being provided with such State and local funds in schools serving attendance areas not designated as Title I project areas. Such approval shall not be given unless the local educational agency also provides the assurances and the additional information required by paragraph (h) of this section with respect to the maintenance of comparability. For the purpose of this section, State and local funds include those funds used in the determination of fiscal effort in accordance with § 116.19.

(b) *Reports by local educational agencies.* The State educational agency shall require each local educational agency (except as provided in paragraph (l) of this section) to submit a report in such form as the Commissioner will prescribe, containing the information required by the State educational agency to make the determinations specified in paragraph (e) of this section. Such report shall include the following data for each public school serving a project area (in whole or in part) unless such school is exempted by paragraph (k) of this section, and on a combined basis, for all other schools of corresponding grade levels (as grouped in accordance with paragraph (i) of this section):

(1) The number of children enrolled. For this purpose, children enrolled in kindergarten may be counted on a full-time equivalency basis. Additionally, if the governing body of a State or a local educational agency has mandated in law or local ordinance that State and local funds shall be expended at different rates for children in certain educational categories, age groupings, or grade levels, then the number of such children enrolled for the purpose of the local educational agency's comparability report may, with the approval of the State educational agency, be derived by multiplying the actual number of children enrolled by the rate specified for each such category, age grouping or grade level.

(2) The full-time equivalent number of certified and noncertified instructional staff members, who are paid with State or local funds regularly assigned to such public school or schools;

(3) The total amount of State and local funds being expended on an annual basis for salaries for such instructional staff members less the amount of such salaries based on length of service (longevity);

(4) The number of enrolled children as reported under subparagraph (1) of this paragraph per instructional staff member as reported under subparagraph (2) of this paragraph;

(5) The amount expended per enrolled child as reported under subparagraph (1) of this paragraph for salaries for instructional staff as reported under subparagraph (3) of this paragraph; and

(6) The number of children and of members of instructional staff and expenditures for such staff, if any, that were excluded from determinations in accordance with paragraph (j).

The term "instructional staff members" as used in this section means staff members who render direct and personal services which are in the nature of teaching or the improvement of the teaching-learning situation. The term includes teachers, principals, consultants, or supervisors of instruction, librarians, and guidance and psychological personnel; it also includes aides or other paraprofessional personnel including clerical personnel employed to assist such instructional staff members in providing such services.

(c) *Date as of which data must be collected.* The data required by paragraph (b) of this section shall be as of a date not later than November 1 of each fiscal year as specified by the State educational agency. To the extent practical such date shall be the date nearest October 1 as of which similar data, such as enrollment data, are required for reports to the State educational agency. The local educational agency with the approval of the State educational agency may, however, submit data based on averages for a definite regular school reporting period which includes the date specified by the State educational agency.

(d) *Date for filing report.* The report required by paragraph (b) of this section shall be filed with the State educational agency no later than December 1 of each fiscal year.

(e) *Determination of comparability.* The services being provided by the local educational agency with State and local funds in a Title I project area shall be deemed to be comparable to the services being provided with such funds in areas not being served under Title I, if the State educational agency determines that, for schools serving corresponding grade levels:

(1) The number of children enrolled per instructional staff member, reported in accordance with paragraph (b)(4) of this section, for each public school serving a Title I project area is not more than 105 percent of the average number of children per instructional staff member in all other public schools in the applicant's district; and

(2) The annual expenditure per child, determined in accordance with paragraph (b)(5) of this section, in each public school serving a Title I project area is not less than 95 percent of such expenditure per child in all other public schools in the applicant's district.

(f) *Action by State agency in cases of non-comparability.* (1) If any school serving a Title I project area is determined not to be comparable under paragraph (e) of this section, as of the date specified in accordance with paragraph (c) of this section, and the local educational agency does not submit a revised comparability report by December 1 of that year showing that comparability in accordance with this paragraph has been achieved, the State educational agency shall as of that December 1 suspend its approval of the project until the date such a report is submitted to that agency, provided the date of such submission is not later than the following March 31. Where such a report is filed by March 31, such suspension shall be lifted as of the date on which comparability has been achieved by such agency as shown in such report. Each revised report shall include all data required by paragraph (b), recorded as of a specific date on which the reallocation of resources has taken effect.

(2) If such a report is not submitted to the State educational agency by March 31, that agency, after notifying the applicant agency and providing it an opportunity for a hearing (in accordance with the provisions of § 1[illegible].6(b) of Part 116), shall finally disapprove the project and reallocate all unobligated funds in the applicant's allocation as of December 1 to other complying local educational agencies in the State in accordance with the provisions of § 116a.11 of this part.

(3) If the State educational agency finds that, as of a date after December 1, a local educational agency has failed to maintain comparability in accordance with paragraph (e) of this section and has not taken prompt action to correct that lack of comparability, the State educational agency shall, as of the date of such failure to maintain comparability, suspend its approval of the project until the date as of which such local educational agency (by means of a revised comparability report) demonstrates that comparability has been achieved. If such local educational agency fails to demonstrate compliance by March 31, the State educational agency shall revoke its approval of the project (subject to notice and opportunity for hearing) as of the date the local educational agency was found not to be in compliance and shall reallocate the balance of the unobligated funds to other complying local educational agencies in the State.

(4) No Title I funds may be used to pay for obligations incurred by a local educational agency during a period of suspension under this section.

(g) *Special reports regarding migratory children.* (1) For the purpose of this section, the Commissioner may designate those local educational agencies which enroll substantial numbers of migratory children of migratory agricultural workers and migratory fishermen from which a State educational agency shall secure special reports. Each such report shall be in the form prescribed in paragraph (b) of this section and the data provided shall be as of the date prescribed by the Commissioner.

(2) Such date will be selected on the basis of the best available information indicating when the highest concentration of migratory children of migratory agricultural workers or migratory fishermen in the school district of the local educational agency is most likely to occur. The Commissioner will also designate the date such a special report shall be submitted to the State educational agency and by that agency to him.

(3) The State educational agency shall determine on the basis of such special report whether the local educational agency is providing comparable services in project areas in accordance with paragraph (e) of this section and shall take such action as may be required by paragraph (f) of this section.

(h) *Assurances and data filed by local educational agencies.* On or before July 1 of each year each local educational agency shall file with the State educational agency:

(1) An assurance that the comparability of services previously demonstrated with respect to Title I project areas in accordance with paragraph (e) of this section will be maintained in all such areas, including areas serving migratory children of migratory agricultural workers or migratory fishermen, that will be designated as Title I project areas for the next fiscal year;

(2) Data on schools serving attendance areas, if any, that will be designated for Title I projects for the next fiscal year but were not designated for such projects in the preceding fiscal year. Such data shall show either that such schools would have been comparable during the preceding fiscal year if those areas had been designated for projects or will, as the result of specific action by the local educational agency, be comparable during the next fiscal year; and

(3) A statement of the specific policies and procedures adopted by the local educational agency to assure that textbooks, library resources, and other instructional materials and supplies are provided for each school serving a Title I project area on a basis that is comparable to that for non-project areas.

(i) *Grouping of schools.* (1) For the purposes of this section, a local educational agency shall group its schools by corresponding grade levels not to exceed three such groups (generally designated as elementary, intermediate or junior high school, and high school or secondary) for all the schools in the school district of such agency, except that local educational agencies providing education at seven or fewer grade levels above kindergarten shall be limited to one group, and those agencies providing education only at eight or nine grade levels above kindergarten shall be limited to two groups. In the case of agencies providing education at any level from grades six through twelve but only at those levels, the number of such groups shall be limited to two if the number of such grade levels is five or six and to one group if the number of such grade levels is four or less.

(2) A school serving grades in two or three such groups shall be included in that group with which it has the greatest number of grades in common. Where the number of grades in common are equal between two or more groups, the school shall be included in the lower grade division. For example, a local educational agency might have the following grade span organization: K–6 (elementary), 7–9 (junior high), and 10–12 (senior high). In addition, the local educational agency might have an intermediate school serving grades 5–8. Since this intermediate school has two grades in common with the elementary division (grades 5 and 6) and two grades in common with the junior high division (grades 7 and 8), it would be included in the lower grade division (elementary) for determining comparability.

(3) Local educational agencies having schools serving eight or more grades above kindergarten may consider such schools to be a separate group in addition to the number of groups determined under subparagraph (1).

(4) If, for a particular grade span, one school has an enrollment that is at least two times that of another, the local educational agency may divide such schools in that grade span into two groups; one for the schools with the larger enrollments and one for the schools with the smaller enrollments, except as provided in the following sentence. Local educational agencies having schools with enrollments of 100 or less shall exclude such schools in making a determination of the size of the smallest school.

(20 U.S.C. 241e(a)(3))

(j) *Exclusions from determinations in certain cases.* (1) In cases where handicapped children (as defined in § 121.2 of this chapter) or children with specific learning disabilities (as defined in § 121.2 of this chapter) are enrolled full time in special education classes, and where children of limited English speaking ability are enrolled full time in special programs of bilingual education, all those children, the teachers and other instructional staff members who serve them, and instructional expenditures for such staff may be excluded by the local educational agency (at its option) in determining the comparability of services provided in project areas.

(2) Subject to the provisions of paragraph (j)(3) of this section, a local educational agency may (at its option) exclude from determinations under this section, expenditures of State and local funds for (i) programs of bilingual education for children of limited English-speaking ability or (ii) special programs for handicapped children where such children of limited English-speaking ability or such handicapped children do not participate in such programs on a full time basis and may also exclude the staff employed with such State and local funds. If expenditures for staff and numbers of staff are excluded in accordance with the preceding sentence, then the full time equivalent number of children served under such programs may also be excluded.

(3) In order to make the exclusions as provided for in paragraph (j)(1) and

(j)(2) of this section, a local educational agency must demonstrate, to the satisfaction of the State educational agency, that the services provided with such State and local funds to such children of limited English-speaking ability or handicapped children who reside in Title I project areas are comparable to such services provided to similarly disadvantaged children in nonproject areas.

(4) For the purposes of this section, the term "program of bilingual education" means a program of instruction designed for children of limited English speaking ability.

(5) State and local funds expended for State and local programs similar to programs provided under Title I for educationally deprived children and the number of full time equivalent instructional staff members employed through the use of such funds may, at the option of the local educational agency, be excluded from determinations under this section. For the purpose of this section a State or locally funded program for educationally deprived children shall be considered to be similar to programs under Title I if (i) the participating children are "educationally deprived" children as defined in § 116.2 of Part 116; (ii) the program is based on performance objectives related to educational achievement and provides supplementary services designed to meet the special educational needs of those particular children; (iii) the program is evaluated in a manner consistent with those performance objectives, and (iv) for purposes of determining compliance with clauses (i)–(iii) the local educational agency is separately accountable to the State educational agency for any State or local funds expended for such program.

(20 U.S.C. 241e(a) (1), and (3), 244(17); House Rept. 93-805, p. 18 (1974), Senate Rept. No. 93-1026, p. 147 (1974))

(k) *Schools with 100 or less children.* A school with an enrollment of 100 children or less (as of the date or dates the data required by paragraph (b) of this section are collected) shall not be included for purposes of this section, provided that, if the local educational agency operates schools of such size and corresponding grade levels both for areas to be served and areas not to be served under Title I, such agency files with the State educational agency a statement of the policies it will follow concerning the allocations of staff to such schools and the State educational agency finds that such policies are consistent with the objectives of this section.

(l) *Inapplicability to certain agencies.* The requirements of this section are not applicable to a local educational agency which has shown the State educational agency that it is operating only one school serving children at the grade levels at which services under Title I are to be provided or which has designated the whole of the school district as a project area in accordance with § 116a.20(d).

(m) *Maintenance of records.* (1) Local educational agencies required to report under this section shall maintain, by individual schools

(i) Appropriate resource records, including records of children's enrollment;

(ii) Worksheets showing the total number of full-time instructional staff members, the full-time equivalent number of part-time instructional staff members and the total amount of State and local funds being expended for their salaries (including the prorated portions of salaries for part-time staff) less the total amount of such salaries based solely on longevity;

(iii) Appropriate records documenting the exclusions made pursuant to paragraph (j) of this section; and

(2) Such records and worksheets, demonstrating the maintenance of comparability for the entire school year, shall be filed, indexed, and maintained in such a manner that they may be readily reviewed by appropriate local, State, and Federal authorities and shall be retained in accordance with applicable record retention requirements. All such records and worksheets shall be available to the public in accordance with the provisions of § 116.35.

(n) *State agency submissions.* (1) By January 1 of each year, the State educational agency shall submit to the Commissioner in such form as he will prescribe, a copy of the comparability report for each local educational agency in the State which the Commissioner has determined to be in a national sample of such agencies for that year.

(2) The State educational agency shall also submit to the Commissioner by January 1 of each year, a report identifying each local educational agency that failed to meet the comparability requirement of paragraph (e) of this section on the date specified under paragraph (d) or (g) of this section and indicating for each such agency either (i) that such agency has allocated or reallocated sufficient additional resources to Title I project areas so as to come into compliance with such requirements and has filed a revised comparability report reflecting such compliance or (ii) that the State educational agency is withholding the payment of Title I funds to the noncomplying local educational agency.

(3) A copy of each revised comparability report in such form as the Commissioner will prescribe shall be included with the State educational agency's report to be submitted by January 1.

(4) Not later than April 30, the State educational agency shall report to the Commissioner whether any noncomplying local educational agencies have come into compliance, and if so, the State educational agency shall include revised comparability reports for such local educational agencies reflecting such compliance.

(o) *Local educational agencies which receive substantial Federal funds.* A local educational agency receiving at least 95 percent of its funds for education from Federal sources shall not be required to meet the provisions of this section.

(20 U.S.C. 241e(a)(3))

[FR Doc.76-28162 Filed 9-27-76;8:45 am]

GPO 918-880

Appendix 3

COMPENSATORY EDUCATION SERVICES

A Report From the National Institute of Education

The National
Institute of
Education
U.S. Department of
Health, Education and Welfare
Washington, D.C. [illegible]

COMPENSATORY EDUCATION SERVICES

July 31, 1977

The National Institute of Education
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20208

PREFACE

The Compensatory Education Study on which this report is based was requested by Congress in the 1974 Elementary and Secondary Education Amendments. The 1974 Amendments emphasize the direct responsibility of the National Institute of Education (NIE) to the Congress. The study began in February of 1975 only after Congress had reviewed an official research plan submitted by NIE; it was funded with $15 million specially set aside from the Title I program appropriation. Results of the study will be reported directly to the President and to the Congress.

This direct responsibility to Congress led NIE to ensure that the study could be planned and integrated within the Institute. A special staff was established to conduct the study, and it was placed in NIE's Educational Equity Group. That staff has planned and closely managed the research on which this report is based and the 35 research projects that make up the whole compensatory education study.

The first three chapters of this report were written by Margot Nyitray of NIE, from data analyzed by herself and James Murray of Policy Research Corporation. Chapter IV was written by Iris Rotberg and Ann Milne, and Chapter V was written by Marjorie Kulash. Special recognition is due to James Harvey and Alison Wolf of NIE for their contributions to the integration and clarity of this report.

The research on which this report is based reflects the work of many members of the NIE staff and contractors. The National Survey of Compensatory Education, which is the source of data in the first three chapters, was planned at NIE and reflects the work of Margot Nyitray, Joy Frechtling, Paul Hill, and Iris Rotberg. The survey itself was conducted by the National Opinion Research Center, Stanford Research Institute, and Policy Research Corporation. Chapter IV relies on research supervised by Ann Milne of NIE and James Vanecko of Abt Associates, and the case studies for Chapter V were designed by Marjorie Kulash of NIE and Celia Homans and Pat Ward of the National Opinion Research Center.

The work of several other people outside NIE is reflected in this report. Chairman Owen Peagler of the National Advisory Council on the Education of Disadvantaged Children and the members and staff were generous with their time in advising on the execution of the study, as were a great number of educational agencies and associations at the Federal, state, and local levels. The staff of the U.S. Office of Education's Division for the Education of the Disadvantaged has been unfailingly open and helpful throughout the study.

Members of the NIE staff too numerous to mention have offered expert advice on research and helped select contractors. Special thanks are due Emerson Elliott, Harold Delaney, and Tommy Tomlinson for their suggestions and contributions to the study and this report.

Paul Hill, Director
NIE Compensatory Education Study

Iris Rotberg, Associate Director
NIE Compensatory Education Study

SUMMARY

This is the first of six reports which the National Institute of Education (NIE) will publish in the summer and fall of 1977 in response to a mandate contained in the Elementary and Secondary Education Amendments (ESEA) of 1974. The purpose of this report is to describe the compensatory education services provided by a cross section of the 14,000 school districts that receive ESEA Title I funds. It provides a factual background for the other reports in this series, which include:

- An assessment of the present system for allocating ESEA Title I funds
- An analysis of the likely consequences of using student achievement test scores to allocate funds to States and school districts
- The results of demonstration projects in 13 school districts that are using new methods, featuring student achievement data, to allocate Title I funds among schools and students
- The results of a major new study on the effectiveness of selected aspects of compensatory instructional services
- An assessment of Federal and state administration of the Title I program

This volume focuses on the actions of school districts—those ultimately responsible for identifying students in need and selecting and delivering services.

Ninety percent of America's school districts receive Title I funds. Title I services go primarily to elementary school students in public schools, and 20% of the elementary school students in Title I districts receive compensatory education services. In contrast, less than 1% of the secondary school students in elementary and secondary Title I districts receive Title I services. Less than 4% of private school students receive Title I services; in fact, only 43% of the Title I districts that contain private schools provide Title I services to private school students.

School districts exercise considerable flexibility in identifying students to receive Title I services. All districts serve students judged to be educationally disadvantaged, but their standards and ways of measuring need vary. Though all districts make some use of objective achievement tests, these examinations often cover only one grade. Thus, many students are selected to receive Title I services on the basis of teacher judgment, family income, or other criteria. Districts can establish their own criteria to establish Title I eligibility, so a student who would be eligible for compensatory education in one district may be ineligible in another.

Because of limitations in Title I funding, few districts can serve all of the students judged to be in need. Nationwide, approximately two-thirds of the students considered eligible according to district criteria are actually served. Some States complement Title I by funding their own compensatory education programs, and school districts in these States are often able to serve all of the needy students in their Title I schools.

Nationwide, 54% of the students who receive compensatory education are white, compared with 75% white enrollment overall. Forty-six percent belong to minority groups, compared with overall minority enrollment of 25%.

Because the needs of students vary from one school district to another, local educational agencies (LEAs) design and operate their own compensatory education programs. All LEAs use their Title I funds to support instructional services, and about half the school districts provide some auxiliary noninstructional services.

Compensatory instructional services clearly emphasize the basic skills areas of reading, language arts, and mathematics. Eighty-five percent of all compensatory education students receive compensatory instruction in reading or language arts, and 44% receive compensatory instruction in mathematics.

The quality of compensatory instructional services is reflected in the four factors of class size, time spent in instruction, teacher characteristics, and individualization. Although there is considerable variation among school districts, compensatory services overall appear to be special in each of four respects:

- Class sizes are small. They average 9 students in compensatory reading and 12 in mathematics and language arts, compared with 27 in homeroom classes.

- Compensatory education students spend an average of 5½ hours per week in special instruction. That amounts to 29% of total instructional time for students in reading, 22% for students in language arts, and 27% for those in mathematics.

- Professional teachers who deliver compensatory instruction are often highly qualified: 67% have graduate training beyond a bachelor's degree, and 62% specialize in teaching one subject. Teachers' aides deliver a substantial portion of compensatory instruction. More than half the aides employed nationwide are paid from Title I funds.

- Many school districts attempt to individualize their instruction, although few districts offer instruction that could be considered individualized in all respects.

Many students are taken out of their regular classrooms to receive compensatory instruction. Seventy-five percent of the children in compensatory reading programs are pulled out of their regular classrooms, while somewhat smaller proportions are pulled out for language arts (41%) and mathematics (44%). Though they often miss instruction in their regular classrooms, these students generally receive instruction from subject area specialists in the pullout setting.

Pullout instruction removes compensatory education students, at least temporarily, from the company of classmates who do not receive compensatory services. While most compensatory students belong to "mixed" homerooms, 24% of these students receive all of their instruction in groups composed entirely of students who receive compensatory services.

Variations among school districts in their compensatory instructional programs are strongly related to the size of the districts' Title I grants and to the staffing patterns they select. As Title I expenditures increase, districts serve more students in all areas of compensatory instruction and also rely more heavily on pullout programs. District differences in selecting compensatory education teachers are also strongly related to the quantity of compensatory services they provide in different instructional areas. For example, districts which hire relatively large numbers of aides and teachers with master's degrees emphasize participation in pullout reading programs.

Title I instructional services appear to make a distinct contribution to the learning experiences of students. NIE obtained data on the reading and language arts instruction received by Title I and non-Title I students in 12 school districts. Title I students in every district received extra services--either more time in instruction, smaller group size, or more time with highly qualified teachers. Few districts make the instruction for Title I children equally distinctive in all respects; for example, not all districts provide additional instructional time or specially trained staff.

In contrast to the strong emphasis on compensatory instruction, auxiliary services represent a very small part of the overall Title I effort. Nationally, an average 4% of the Title I budget was spent on auxiliary services, and only a few districts devote more than 10% of their Title I budget to auxiliary services. Parent involvement activities, including parent advisory councils, now account for the largest expenditures for auxiliary services. These expenditures have increased in recent years, while spending for libraries, health services, counseling, transportation, and overall auxiliary services has fallen.

The decline in spending on auxiliary services is due to several factors. Many school districts have responded to the emphasis that their States and the U.S. Office of Education have placed on basic skills instruction. Others have reduced auxiliary services because they feared that compliance reviewers would conclude that Title I funds were replacing local or state funds which normally support such services. The decline in spending for auxiliary services has apparently reduced the real level of such services available to compensatory education students. School district budgets pick up some, but not all, of the slack left by the withdrawal of Title I funds. Though some school district personnel regret the decline in auxiliary services, most believe that they should be supported by state and local funds. Few expect that the scale of such services would grow even if their overall Title I budgets were substantially increased.

THE NIE COMPENSATORY EDUCATION STUDY

REQUEST FOR THE STUDY

The Education Amendments of 1974 (Public Law 93-380), the major education legislation of the 93rd Congress, extended and changed the Elementary and Secondary Education Act (ESEA) of 1965 and extended other Federal education programs, including the Education of the Handicapped Act and the Adult Education Act, as well as the impact aid, Indian education, and emergency school aid programs.

The law also directed various Federal agencies to conduct studies and surveys so that Congress might have the benefit of more up-to-date and accurate information during its future consideration of legislation to assist elementary and secondary education. Among these directives is Section 821 of the Education Amendments, which instructs the National Institute of Education (NIE) to conduct a study of compensatory education, including compensatory programs financed by States and those funded under authority of ESEA Title I.

Compensatory education includes a number of Federal and state programs in addition to ESEA Title I. The relative size, scope, and long history of Title I mark it as the most important of the compensatory education programs. In order to ensure adequate depth and scope for the study, NIE chose to focus most of its attention on Title I. In 1977, that title, the largest Federal education effort at the elementary and secondary level, provided over $2 billion, most of which was used to fund educational programs for low-achieving students in school districts serving children from low-income families.

Specifically, Section 821 instructs the Institute to conduct a study incorporating:

- An examination of the fundamental purposes and effectiveness of compensatory education programs

- An analysis of the ways of identifying children in greatest need of compensatory education

- An exploration of alternative ways of meeting these children's needs, including the use of written educational plans

- An examination of the feasibility, cost, and consequences of alternative ways of distributing Federal compensatory education funds

- Not more than 20 experimental programs for the purpose of examining the issues above

The relevant sections of the 1974 statute authorizing the study are reproduced in Appendix A.

Section 821 also directs the Presidentially appointed National Advisory Council on the Education of Disadvantaged Children to advise the Institute on the design and execution of the study.

Finally, the law, as amended by Public Law 94-482, requires NIE to submit interim reports to the President and Congress on December 31, 1976, and on September 30, 1977, and to submit a final report in September 1978.

LEGISLATIVE BACKGROUND

The breadth of the examination of compensatory education requested of NIE, ranging from the allocation of funds to specific instructional approaches, reflects a number of concerns which figured prominently during the 1974 Congressional consideration of the extension of ESEA Title I. Among these concerns were:

- The effects of altering the definition of poverty used in the Title I allocation formula

- The feasibility of using measures of student achievement rather than numbers of low-income children in the formula
- The possibility of requiring individualized programs of instruction for each student participating in a Title I program
- The merits of requiring school districts to spend as much as 85% of their Title I grants on basic skills instruction in reading and mathematics
- The relatively narrow focus of most prior efforts to evaluate the effectiveness of Title I

RESEARCH STRATEGY

Like the provisions which authorized the study, therefore, NIE's evaluation adopted a wide focus during its examination of compensatory education. Essentially, the Institute has interpreted the provisions of Section 821 as constituting two major requests from Congress. The first requires an assessment of the effectiveness of compensatory education programs in meeting their fundamental purposes; the second requires an examination of several alternatives which might improve the effectiveness of compensatory education programs.

In response to these requests, NIE developed a strategy designed to produce a complete understanding of how the Title I program operates in practice as well as how it might change if any of several alternatives were adopted. The strategy involved the examination of four major areas:

- Funds allocation
- Service delivery
- Student development
- Program administration

The study defined the first three of these areas as the "fundamental purposes" of Title I. The fourth was examined in order to determine how the administrative structure required to implement such a large education program promotes the achievement of the program's purposes as well as how program administration might be improved.

FUNDAMENTAL PURPOSES

To examine the fundamental purposes of compensatory education programs, it is necessary to distinguish the broad philosophical concerns that may have motivated the program's originators from the more concrete operational purposes that are built into the program.

The originators of compensatory education efforts, such as Title I, may have had in mind some very general objectives, including helping to eliminate poverty, contributing to the redistribution of wealth and opportunity, reforming education, and symbolizing society's commitment to helping the disadvantaged. Although it is possible to speculate about what their motivations might have been, the debates, statutes, and official legislative reports that established the program contain a specific set of fundamental purposes, which were described in some detail in the Institute's December 1976 publication, Evaluating Compensatory Education: An Interim Report on the NIE Compensatory Education Study. These purposes, clearly discernible in the statute and accompanying formal Congressional statements, are:

(1) To provide financial assistance to school districts in relation to their numbers of low-income children and within those districts to the schools with the greatest numbers of low-income students

(2) To fund special services for low-achieving children in the poorest schools

(3) To contribute to the cognitive, emotional, social, or physical development of participating students

These three goals of Title I are consistent with one another, but each is not equally important to all Members of Congress. Congressional debates, and even the language of different parts of committee and conference reports, suggest that Members of Congress differ among themselves about the relative importance of the respective purposes. Some Congressional statements imply that the purposes form a hierarchy in which Title I delivers funds and provides services only to increase children's academic achievement (thus making the third the most important). Other statements, however, make it clear that the allocation of funds and delivery of services are important ends in themselves and may, in fact, define the practical limits of Federal action to promote the development of children.

STRATEGY FOR ASSESSING COMPENSATORY EDUCATION

The evaluation of Title I must start from the recognition that the program has several goals, and to focus exclusively on one, improperly ignores the others. Evaluation must also acknowledge that Title I operates through the Federal system and that state and local governments determine what it will be in practice. Although there is only one Federal Title I program, i.e., only one basic framework of laws and policies, it operates differently in every State, in 14,000 school districts, and in countless classrooms. Thus, to understand and evaluate Title I it is necessary to consider the ways in which Federal policy interacts with the actions of States and local educational agencies (LEAs) that actually implement the program.

The early national evaluations of Title I considered only the third goal—contributing to children's development—and often rendered judgments on the efficacy of the program without accounting for the diverse ways in which LEAs had implemented it. Those evaluations overlooked some important truths about Title I: it has several objectives, and under it LEAs deliver a range of services with a variety of aims and emphases to a diverse set of beneficiaries. In contrast to earlier evaluations, therefore, NIE's strategy is designed to (1) provide clear information about what Title I is accomplishing toward achievement of each fundamental purpose and (2) examine the implications of alternative ways of organizing the efforts of the Federal, state, and local governments to achieve these purposes.

THE REPORT

This volume is one of several intended to comply with the statutory requirement that a second interim report be completed not later than September 30, 1977. It presents NIE's findings on the extent to which compensatory education is fulfilling its second fundamental purpose--the provision of educational services. The report describes how the NIE Compensatory Education Study formulated the research issues, describes the studies commissioned by NIE, and reports findings and conclusions on compensatory education services.

Five additional reports will be published in September on the following topics:

- The effects of using counts of low-income children in allocating funds
- The feasibility, costs, and consequences of using counts of low-achieving children in allocating Title I funds to school districts
- The effects of using student achievement to allocate funds within school districts
- Student development in compensatory programs
- Administration of compensatory education

CHAPTER I. EVALUATING COMPENSATORY EDUCATION SERVICES

OBJECTIVES OF THIS REPORT

One of the basic purposes of compensatory education is to provide improved services to children with special educational needs. Under Title I, the Federal Government does not deliver these services directly. Instead it channels funds to local educational agencies (LEAs), which are responsible for implementing the program. In providing these compensatory services with Title I funds, school district officials must make a number of important decisions affecting the scope and nature of the program. They must select recipients, choose the kind of services to be provided, and determine appropriate personnel and procedures for delivering these services, with a given level of resources and funds.

Because very little reliable information on these processes was available at the outset of this study, one of the first projects commissioned by the National Institute of Education (NIE) was a National Survey which collected information on Title I and state compensatory education services delivered by school districts. Additional case studies were carried out in a number of survey districts.

This research was designed to address the following issues:

- How are the children who need compensatory services identified, and who is selected to receive these services?
- What are the special characteristics of the compensatory instruction that is provided?
- What are the characteristics of the auxiliary services that are provided?

Selection Procedures and Recipients

Title I funds are intended to provide compensatory education services for low-achieving children within schools serving areas with large numbers of poor children. Regulations specify fairly clearly the steps involved in reaching that goal. Based on a general assessment of student needs, districts may initially decide on the programs to be funded and the grade levels to be served. Then, having selected Title I schools on the basis of poverty, districts are required to identify children eligible for services because of educational needs. Finally, they must select, from among those eligible, those students in greatest need of assistance and provide them with compensatory services. Many low-achieving children do not receive services either because they are in non-Title I schools or unserved grades, or because they are not selected from the program eligibles to receive services.

Because districts may use different criteria to select schools and grades and to identify program eligibles and participants, there are likely to be variations in the size and characteristics of the participant group. Thus, to understand what Title I is in practice, NIE's research investigated the selection procedures actually used by Title I districts and the characteristics of the recipients.

Special Characteristics of Compensatory Instruction

Under Title I, districts are also responsible for deciding what kinds of compensatory instructional programs are best suited to their children's needs. In examining the compensatory instruction funded by school districts, NIE has focused upon five characteristics: amount of instructional time, class and instructional group size, teacher qualifications and characteristics, selected aspects of individualized instruction, and location of instruction. The first four were examined as indicators of the extent to which compensatory programs provide special services to participating children. The fifth, location of instruction, refers to whether participating children are provided compensatory instruction in the regular classroom or apart from other students. It was examined to determine the extent to which educationally disadvantaged children are separated from their classmates as well as the possible consequences of the practice.

Characteristics of Auxiliary Services

Because Title I provides services to students in low-income areas, some districts provide auxiliary services such as health or counseling, as well as instructional services. However, recent legislative proposals would have required that most Title I funds be used for basic skills instruction. Very little is known about the nature of auxiliary services since they have been largely ignored in previous studies. NIE's research, therefore, includes a description of auxiliary services and how districts decide which services to offer, as well as the extent to which auxiliary services provided with Title I funds differ from those given to students through local funds.

DESCRIBING COMPENSATORY EDUCATION SERVICES

The Lack of Information on Compensatory Education Services

When the NIE Compensatory Education Study was initiated, no current, nationally representative data on the participants, the services offered to them, or the costs associated with compensatory education projects and programs were available to answer the questions posed above. In the past, the two basic sources of national information about Title I participants and services were the state annual reports required in the Elementary and Secondary Education Act (ESEA) and a series of annual surveys intended as Title I evaluations. The Title I legislation included a requirement for a three-tiered reporting system. Each local school district was to assemble data on its Title I programs and submit a report to its state department of education. The state education agencies (SEAs) in turn were to compile the information into a report that the U.S. Office of Education (OE) would use to prepare a report to Congress on the national picture.

There are, however, serious problems in using state reports to describe Title I nationally. An early review of these state reports (Wargo et al., 1972) revealed that the inadequacy of the information contained in the annual reports precluded their being used as sources of "nationally representative" data on participants and services. Reporting formats varied so much among States that, for example, in reporting the characteristics of the population served by compensatory funds, only 14 States provided data uniform enough to be aggregated. Even a national estimate of the number of participants is difficult to obtain from these reports because some States counted students each time they received a particular service. Thus, these States inflated the estimated total of participants, since some students receive multiple services. Cost information also was not sufficiently standardized to permit aggregation, because the reports frequently did not indicate whether the information was based on actual expenditures, planned expenditures, or allocations.[1] Finally, the nature of services delivered is described in these reports only in the most general terms, reading versus mathematics instruction, for example. No report is made of the instructional techniques used or the location of the instructional programs. A more recent study (Gamel et al., 1975), which reviewed state reports through 1975, found little improvement in the quality of information they provided. Therefore, the state reports could not be used as the basis for NIE's research on compensatory services delivered by school districts.

The other source of descriptive information on Title I services is a series of evaluation studies implemented separately from the state reports and necessitated in part by the problems in these reports. These studies, which vary considerably in the extent to which they claim to provide a national description of Title I services, include assessments by independent groups; early national evaluations; and some more recent, narrowly focused evaluation studies. A detailed synthesis of both these studies and reviews based on state reports has been prepared as part of the NIE Study (McLaughlin, 1977).

Assessments by Independent Groups.—One of the earliest evaluations of Title I was Title I of ESEA: Is It Helping Poor Children? (Martin and McClure, 1969), written by the Children's Defense Fund and the National Association for the Advancement of Colored People (NAACP). It had considerable impact on the formulation of regulations for Title I service delivery. Unlike many of the larger scale evaluations of Title I conducted by OE, the study was designed not to measure achievement score outcomes but to describe the services delivered to Title I children. The report was highly critical of the Title I program as it existed in its first 4 years. The authors found that the funds were not reaching the majority of eligible children, that services were not concentrated on the children most in need, that funds were spent on equipment and materials rather than on educational services, and that parents were not sufficiently involved in the programs in which their children participated. Largely as a result of this study, regulations on how Title I funds could be spent were strengthened in an attempt to ensure that compensatory funds reached the intended target group and that they were truly supplementary. It should be noted that, while this study made some attempt to look at school districts in different parts of the country, it was not a nationally representative sample. Instead, it involved informal visits to 28 school districts, many of which came to the attention of the NAACP because of complaints about their use of Title I funds. The extent to which the study results were indeed representative of services delivered in the Nation's Title I school districts is not known.

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[1] In fact, in any one year, up to one-third of the States did not report cost information at all.

Early National Evaluations.--For a national picture of compensatory education services prior to 1976, one must turn to the Compensatory Education Surveys funded by OE. The national surveys, conducted annually from 1968 to 1971, were developed to identify the impact on student achievement of all Title I services; documenting the characteristics of services per se was not an objective. Two problems arose as a consequence of this focus on measuring the relationship between Title I and student achievement at the national level. First, in order to provide summary measures of the effects of Title I on achievement, the variability in delivery of services had to be ignored. Second, the request for achievement data confronted the reluctance or inability of school districts to provide it. Usable achievement data were obtained for less than 10% of the sample. Because of this lack of achievement data, the surveys were viewed as failures by the sponsors. As a result, the analysis of the first survey was not reported until 1970; the 1969 survey analysis was never released; the 1970 results consist of 1,200 tables which were never interpreted; and the 1971 data were never analyzed.

In 1969, the Belmont program--a joint Federal/state reporting, management, and evaluation system--was established. In addition to the national surveys described above, which were incorporated into Belmont, the system also included the Consolidated Program Information Report (CPIR), intended to provide national data on a series of Federal education programs, including Title I. To reduce the burden on school districts, this form collects only minimal information on participants, services, and expenditures for any one program. These data have problems similar to data included in state reports (McLaughlin, 1977). The most recent information published by the National Center for Educational Statistics (NCES), which now operates Belmont, is for the 1972-73 school year.

Focused Evaluations.--Because these early efforts failed to provide national data on the effects of Title I services on student achievement, recent studies have taken a more selective approach and have collected information only on programs intended to have an impact on achievement outcomes. This practice, however, limits the usefulness of the findings of these studies as a description of the general characteristics of Title I services, since not all the programs are instructional. A case in point is the recently completed study of Title I reading programs conducted by the Educational Testing Service (Mayeske, 1976). The data, collected in 1973-74, reflect Title I reading services only; since other services were not surveyed, the study did not produce a representative description of the national use of Title I funds. Another recent study (General Accounting Office, 1975) also focuses on reading programs; it makes no claim that its findings are typical of all Title I programs, or even of all reading programs, since only 15 school districts were studied.

DESIGN OF THE NIE NATIONAL SURVEY OF COMPENSATORY EDUCATION

The NIE National Survey of Compensatory Education provides a comprehensive picture of services provided by school districts with Title I and state compensatory education funds. The survey collected information on the services delivered under the rubric of compensatory education; what the recipients of these services are like and how they are selected; and how the services are planned, delivered, and evaluated by the school districts receiving compensatory education funds. It was thus designed to allow the NIE Study to consider the issues discussed above.

One of the important aspects of the survey design is the sampling strategy that was employed. The population to be sampled was defined as all operating public school districts in the continental United States that received Title I funds and that had at least one grade in the range K-8.[2] Many earlier evaluations sampled Title I *schools* throughout the country. The NIE Survey is based on a sample of 100 Title I *school districts* because districts are the local policymaking unit to which Federal funds are directed. The districts provide a representative sample in terms of enrollment, regional location, and receipt of state compensatory education funding.[3]

The sample was selected in order to permit estimates from the data on both a per-district and a per-pupil basis and to ensure approximately equal reliability for both types of estimates.[4] One hundred school districts were selected on this basis, after which individuals to be interviewed within those districts were selected. In order to confirm details of the services, information was collected not only from those responsible for designing programs at the district level, but also from those responsible for implementation: principals and teachers. Interviews were thus conducted with a number of different persons within each of the sample districts: district administrators, principals, and Parent Advisory Council (PAC) chairpersons, as well as teachers—over 5,000 individuals in all. Although some public records and documents on compensatory education services and participants were collected, most of the data were gathered through face-to-face interviews ranging in duration from 30 minutes to 2½ hours.[5]

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[2] Of the 15,453 school districts in the continental United States serving some elementary (K-8) grades in 1975-76, Title I funds were distributed to 13,877, or 90%, of these districts (information from NIE Survey sampling frame).

[3] Three enrollment or size categories were established with cutting points at the 33.3 and 66.6 percentiles of number of students: Category 1--lowest third, enrollment less than 4,359; Category 2--middle third, enrollment from 4,359 through 17,628; and Category 3--highest third, enrollment above 17,628. For regional location, four categories, based on Census Bureau definitions, were used: Northeast, South, North Central, and West. The two categories under state compensatory education funding for the district were (1) presence of state compensatory education funds and (2) absence of state compensatory funds. States with such programs include California, Connecticut, Georgia, Hawaii, Maryland, Michigan, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, Utah, Washington, and Wisconsin.

[4] In technical terms, the probabilities of selection of districts for the sample were chosen as a compromise between the extremes of equal probability and probabilities proportional to size.

[5] The cooperation that the interviewers received from all these people deserves recognition here. The completion rate for interviews was 99.4%. It is only due to the continuing cooperation of the 100 sample districts, which were promised that their participation in the survey would not be revealed, that the NIE Compensatory Education Study is able to provide the information on compensatory services contained here.

Within districts, two samples of teachers were selected. First, to obtain accurate estimates of the number and characteristics of students receiving compensatory services, a sample of homeroom teachers was selected from among all teachers who had responsibility for taking attendance and who had at least one such student in the classroom. In this way, duplicate counting was avoided because no two teachers in the homeroom sample could report on the same pupil when asked about the number of compensatory education students. Second, lists were compiled of all teachers who provided Title I- and/or state-funded compensatory instruction. The teachers providing this special instruction may or may not have also been homeroom teachers. A separate sample of these teachers was then selected. Interviews with these compensatory education teachers provide descriptions of the characteristics of the instructional services delivered to compensatory education students.

In addition, case studies were conducted in 18 of the sample districts in order to gather information on the auxiliary services supported with Title I funds. The case studies were specifically designed to examine district rationales for this use of Title I funds, the characteristics of the auxiliary services provided, and how these services differed from auxiliary services provided with local funds. The information was collected through indepth conversations with district personnel involved with these Title I services. The 18 sites were selected from the larger representative sample, in order to include districts varying in enrollment, incidence of poverty, regional location, and size of Title I grant. These districts also offered varying types and combinations of auxiliary services.

The following chapters in this report present the findings of the NIE National Survey of Compensatory Education with respect to the provision of compensatory education services. The information consists of national estimates about compensatory education services based on the survey data. Preliminary findings from the survey, presented in Evaluating Compensatory Education: An Interim Report on the NIE Compensatory Education Study (December 1976), are also summarized here.

In the following discussion, the terms "Title I" and "compensatory education" are not interchangeable. Statements about Title I refer only to programs supported with those funds. References to compensatory education are to both Title I and state compensatory programs.

CHAPTER II. SELECTION PROCEDURES AND RECIPIENTS

SELECTION PROCEDURES

School districts have considerable flexibility in the procedures used to select recipients of compensatory education services, and the methods they choose affect the numbers and kinds of pupils served. In order to understand how districts use this flexibility, the National Survey examined the ways in which districts determine eligibility and select participating students, and analyzed the proportions of eligible students served.

Under Title I, the term "eligibility" means different things at different levels of the system. A district receives Title I funds based on its number of "formula eligibles," that is, a count of low-income children within its boundaries. Within a Title I district, a school is eligible for funds based on the number or proportion of low-income children residing in its attendance area. Any school above the district average is eligible. At the student level, however, the basic eligibility criterion is educational. Children in Title I schools who are low achievers are eligible for Title I programs.

Kinds of Measures Used

All Title I districts use standardized achievement test scores to determine eligibility for Title I services. However, district testing programs are usually focused on only one or two grades, whereas compensatory programs may be offered in as many as six grade levels. Thus, 89% of Title I districts also use teacher judgment to identify those low-achieving students for whom test scores are unavailable. In addition, a smaller percentage of Title I districts identify additional eligible students based on economic criteria or other procedures such as referral by outside agencies.[1] Even when standardized tests are used to determine eligibility, the cutoff varies from district to district depending on whether national or local norms are used and whether the district considers all students below the 50th percentile to be low achievers, or uses some other percentile to define low achievement.

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[1] Of the Title I districts, 36% also use economic criteria, while 26% use other procedures in addition to test scores.

Once program-eligible students in Title I schools have been identified, the final step is the selection of students from among those eligible to receive services. About half the districts specify a second percentile lower than that used to determine program eligibility and select all students at or below this level. Again, the cutoffs vary considerably from district to district. The rest of the districts rely on more informal procedures. Teachers, for example, may select participants from among those identified as needing services; or students whose schedules do not conflict with the compensatory instruction schedule may be selected. The criteria used for selecting participants vary even more than those used to determine eligibility.

Proportion of Program Eligibles Served

The NIE Survey did not collect information that allowed direct calculation of the proportion of all low-income or low-achieving children who receive Title I services. These calculations require information on an individual student's economic status, achievement test scores, and Title I participation. A forthcoming report from the Secretary of the Department of Health, Education, and Welfare (HEW) will provide information from a study designed to provide those figures (Systems Development Corporation, 1976).

However, the survey did show that the number of children designated as eligible for Title I services is approximately one-half the number of children who are counted as poor for the purposes of allocating funds to districts.[2] The figure for Title I eligibles was derived from principals' estimates of the numbers of students needing compensatory education services, according to the criteria used in their schools. These figures do not indicate that one-half of the low-income population is low-achieving; eligibility figures refer to all low-achieving children, regardless of income, in Title I schools.

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[2] The ratio of the number of program eligibles to low-income children is .53. The standard error of the estimate is .04. This means the actual ratio falls within a range of .04 above or below this estimate. All standard errors for data in this report are for estimates at the 95% confidence level.

The National Survey also provided data with which to calculate "participation rates," that is, estimates of the number of participants as a percentage of the number of students identified as eligible. An average participation rate of 57% was noted in NIE's December 1976 Interim Report. That figure represents the average of the separate participation in Title I districts.[3] A more reliable estimate of the national participation rate has now been calculated from survey estimates of the total number of Title I participants in the country and the total number of Title I eligibles. This procedure produces a national estimate that the number of students receiving Title I services is 66% of the number of program eligibles in Title I schools.[4] Therefore some students whom districts have identified as needing Title I services are not receiving them.

If districts received more funds, they could choose to increase expenditures on current participants or to serve more students. Survey data suggest that with a higher level of funding, districts would choose the latter option. This can be inferred from the fact that the more Title I funds a district receives, the more students it serves. In fact, on average, an increase in the amount of funds leads to a roughly proportional increase in the number of students served.

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[3] When separate district participation rates are averaged, the participation rates of small districts influence the average as much as the participation rates of large districts.

[4] Standard error = .05.

In addition, the more funds a district receives, the more students in Title I schools are identified as eligible for services.[5] In part, this may be due to the flexibility allowed districts in their definitions of educational need. Because districts are free to adopt more or less stringent definitions of eligibility, districts receiving more funds can adopt a broader definition of need and thus consider a larger number of students eligible for programs.

The survey data were also used to investigate whether differences in district participation rates are related to differences in other district characteristics. The analysis indicates that participation rates do not significantly vary in districts of different size, regional location, or socioeconomic characteristics. However, Title I districts that also receive state compensatory education funds do serve a higher proportion of eligibles than those who do not, as Table I indicates.

TABLE I

AVERAGE PARTICIPATION RATES IN TITLE I DISTRICTS

	With State CE Funds	Without State CE Funds
Percentage of eligibles in Title I programs based on principals' estimates	75%	62%
Percentage of eligibles in compensatory programs based on teachers' counts of participants	105%*	63%

*This figure represents the number of children in Title I or state programs expressed as a percentage of Title I eligibles.

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[5] Generally, an increase of 1% in the amount of Title I funds leads to a .8% increase in the number of participants, while a 1% increase in Title I funds is associated with a .5% increase in the number of program eligibles.

In districts that receive state compensatory education funding, principals' estimates indicate that the number of students participating in Title I programs is 75% of the number determined eligible, compared with 62% in Title I districts that do not receive state compensatory funds. The Title I participation rate is higher in districts with state compensatory funds because Title I schools in these districts frequently use these state funds to expand the Title I instructional program. A second participation rate, based on classroom counts of compensatory education students, was also calculated for these districts. This rate is also higher in districts that receive state compensatory education funds because state funds are used for separate programs in Title I schools, and participants in state programs are included in the counts of compensatory education participants. The number of these participants is essentially the same as the number of eligibles in these districts.

RECIPIENTS

The survey provides information on the numbers and racial characteristics of public school students receiving compensatory services as a result of these selection procedures. Since Title I funds have always been intended to reach eligible pupils in nonpublic as well as public schools, the survey also gathered some information on how districts identify nonpublic school participants, on how many are served, and on the compensatory services provided to them.

Public School Students

During the 1975-76 school year, approximately 5.9 million public elementary school students in Title I districts received compensatory education services in Title I or state programs.[6]

This figure represents 19.5% of public elementary school enrollment in the country. Compensatory education students are concentrated in grades 1-6, with significantly lower percentages in kindergarten and junior high school grades 7 and 8.[7]

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[6] Standard error = 595,000.

[7] See Figure B-1 (Appendix B) for grade distribution of compensatory education students and total enrollment.

Few school districts provide compensatory services to high school students. In Title I districts with both elementary and secondary schools, an estimated 121,513 of the high school (grades 9-12) students, or 1% of enrollment in these grades, received Title I-funded compensatory education services.[8]

Table 2 presents the racial and ethnic distribution of total enrollment in Title I districts and of compensatory education students in these districts. The concentration of minority group children is significantly higher among those receiving compensatory services than in Title I districts as a whole. Of the compensatory education students, 34% are black, compared with 19% of total enrollment; 10% are Spanish surnamed, compared with 5% of total enrollment; and 54% are white, compared with 75% of total enrollment.

TABLE 2

RACIAL/ETHNIC COMPOSITION OF TITLE I DISTRICTS

	White	Black	Spanish Surnamed	American Indian	Asian/ Pacific Islander
			Percent		
Total enrollment	74.8	19.5	4.8	0.3	0.5
CE students	54.0	34.5	9.8	0.8	0.8
			Percent Standard Error		
Total enrollment	4.83	4.17	1.22	0.11	0.09
CE students	5.82	5.84	2.19	0.40	0.20

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[8] Note that the universe of districts from which the sample for the survey was selected did not include approximately 800 districts in the country that have only high schools. Therefore, the survey data cannot be used to estimate the percentage of all high school students in the country who receive Title I services.

Nonpublic School Students

Many school districts apparently have difficulty in delivering compensatory services to nonpublic school children. These difficulties may be due to reluctance to let funds leave the public system or to problems in identifying Title I-eligible students in private schools and organizing special programs for them. The problems encountered are illustrated by the fact that only 43% of Title I districts with nonpublic school students are providing Title I services to any of these pupils.[9]

Title I-funded compensatory services are provided to 116, 218 nonpublic school students. This represents an estimated 4% of the nonpublic school students living in Title I districts. These participants are usually selected by the nonpublic schools, and Title I resources are then used to provide some compensatory instruction within these schools. Participating nonpublic school pupils receive an average of approximately 1 hour per week of compensatory instruction.

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[9] A forthcoming report of the NIE Compensatory Education Study will describe in greater detail the methods used to provide Title I services to nonpublic school students and the problems encountered in sharing Title I funds between public and nonpublic school students in Title I districts.

CHAPTER III. COMPENSATORY INSTRUCTION

INTRODUCTION

School districts have considerable flexibility not only in selecting participants in compensatory programs, but also in deciding what services to provide and how to provide them. Title I funds can be used for both instructional programs and for auxiliary services such as counseling and health care, when they contribute to meeting the educational needs of low-achieving students. The following discussion focuses on the instructional services that school districts provide and on the different patterns of services they fund; Chapter V discusses auxiliary programs.

Section 141 of Title I states that the funds are to be used for programs of "sufficient size, scope, and quality so as to give reasonable promise of substantial progress towards meeting the needs of educationally deprived children." Determining whether programs meet such requirements is difficult because educational research has had only limited success in identifying the features of successful compensatory instruction. However, it is possible to provide information relevant to an assessment of instructional programs: first, a profile of services provided, and second, detailed information on selected characteristics of the instruction offered. The latter is a useful indicator of the degree to which programs are planned and incorporate promising approaches identified by research. Both kinds of information indicate the extent to which Title I and other compensatory programs have been implemented to provide special services to participating children.

The detailed characteristics examined were time spent on instruction, class and instructional group size, teacher qualifications and characteristics, and selected aspects of individualization. Of these, time, group size, and individualization were selected because the research evidence on their contribution to student achievement is most convincing. Teacher qualifications, moreover, can be particularly important in compensatory programs because compensatory instruction, including such specialized techniques as individualized instruction, places great demands on teachers. NIE, therefore, collected data on how many compensatory education teachers had received advanced or specialized training likely to assist them in their responsibilities.

In addition, data were collected on whether instruction was provided in the regular classroom or in a separate location. These data provide descriptive information on a controversial issue: the degree to which low-achieving children are separated from their peers for compensatory instruction and, perhaps, for the entire school day.[1]

Additional information on the contributions of all five of these characteristics to student achievement has been collected by NIE in a study entitled "Instructional Dimensions." That information is now being analyzed and will be reported in a later volume in this series. The national profile of instructional services presented in this chapter can be further interpreted when the results of the Instructional Dimensions Study are reported.

INSTRUCTIONAL SERVICES PROVIDED

Nationally, three-quarters of Title I funding goes to instructional services. As Figure I shows, this compares with expenditures of less than 5% on auxiliary services. The remaining one-fifth goes for several categories of other expenditures, which vary from district to district. These other expenditures include administration and operation and maintenance of plant.

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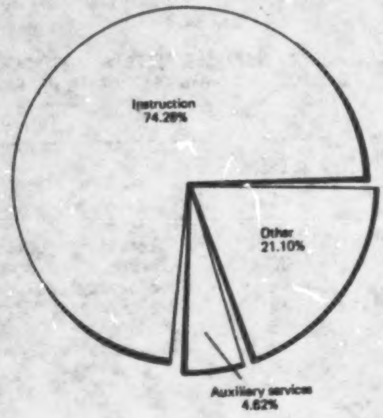
[1] For a more complete discussion of the relevant research findings, see Evaluating Compensatory Education: An Interim Report on the NIE Compensatory Education Study (Washington, December 1976): Chapter IV.



Budgeted Title I project expenditures:	$ 1.7 billion
Instruction:	1.2 billion
Auxiliary services:	.07 billion
Other:	.43 billion

FIGURE I. TITLE I BUDGET, U.S. TOTAL, 1975-76

Every Title I district provides some instructional services wth Title I funds. Table 3 demonstrates the percentage of districts using Title I funds for specific instructional services. The subjects in which Title I districts are most likely to offer compensatory instruction are remedial reading, mathematics, language arts, and preschool/kindergarten readiness programs.

TABLE 3

PERCENTAGE OF DISTRICTS OFFERING INSTRUCTIONAL SERVICES FUNDED WHOLLY OR IN PART BY TITLE I

	Percent		Percent
Remedial reading	59.1	Follow Through	6.9
Mathematics	45.0	Music or art	3.8
Preschool/kindergarten readiness activities	38.1	Special instructional program for dropouts	1.9
Language arts/communication skills	29.7	Social/cultural studies	1.8
English as a second language	10.2	Health/nutrition	1.3
General enrichment	8.5	Science	1.2
Special education/learning disabilities	7.8	Industrial arts/home economics	1.0

Remedial reading and language arts are separate types of programs. Unlike reading, language arts instruction is a broad program that includes grammar, spelling, writing, and speaking. Because language arts instruction frequently includes a reading component also, the percentages of districts offering remedial reading or language arts instruction can be combined to obtain a clearer picture of the general emphasis on reading and language. About 95% of all Title I districts offer remedial reading and/or language arts as part of their compensatory education activities.[2]

Remedial reading is also the subject in which most compensatory education students receive instruction. Table 4 indicates the percentage of compensatory education students in grades K-8 receiving compensatory instruction in each of the main subject areas.[3] About 85% receive compensatory instruction in remedial reading or language arts; no other subject is taught to a majority of compensatory education students.

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[2] Most of these districts fund either a remedial reading or a language arts program, but not both. Only 8% of the districts offer both types of services.

[3] The percent of compensatory education students receiving instruction in various subjects by grade can be found in Figures B-2, B-3, and B-4.

TABLE 4

COMPENSATORY INSTRUCTION RECEIVED BY CE STUDENTS, BY SUBJECT

	Percent of all CE Students*	Standard Error
Remedial reading	50.4	2.8
Language arts/communication skills	35.0	2.0
Mathematics	44.4	4.3
Social/cultural studies	13.7	2.8
Science	12.2	2.6
Special education/learning disabilities	5.3	0.8
English as a second language	2.9	0.6

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*Percentages add to more than 100 because some compensatory education students receive compensatory education instruction in more than one subject.

Table 5 shows the percentage of compensatory education students receiving compensatory instruction in more than one subject. More than half of them receive compensatory instruction in only one subject, and that subject is most likely to be remedial reading or language arts; 1 in 10, on the other hand, receive compensatory instruction in four or more subjects.

TABLE 5

PERCENT OF CE STUDENTS RECEIVING COMPENSATORY INSTRUCTION IN ONE OR MORE SUBJECTS

	Percent	Standard Error
One subject	54.8	4.0
Two subjects	28.1	3.0
Three subjects	7.5	1.0
Four or more subjects	9.6	2.0

The data presented in the remainder of this chapter provide information on the special characteristics of compensatory instruction in reading, language arts, and mathematics.

SELECTED CHARACTERISTICS OF INSTRUCTION

The NIE National Survey collected information on five characteristics of compensatory instruction: time spent on instruction, class and group size, teacher qualifications and characteristics, individualization, and the location of instruction. The first four provide useful information on the degree to which special services have been planned and implemented for compensatory students. The fifth, location, was examined because it is of particular interest to educators and policymakers.

Instructional Time

Research indicates a direct relationship between the amount of time spent on instruction and student achievement. NIE, therefore, examined time spent in compensatory instruction programs, and compared that time to the total time available for instruction.

Each student receiving compensatory reading instruction spends an average of 3 hours and 47 minutes per week in such instruction.[4] The comparable estimates for language arts and mathematics participants are 4 hours and 3 hours, respectively.[5]

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[4] 227 minutes (standard error = 8.2 minutes).

[5] 249 minutes in language arts (standard error = 17.9) and 198 minutes in mathematics (standard error = 6.2). See Figures B-8 to B-10 for grade level variation. Unfortunately, no national data on the average amount of time students spend in regular language arts instruction are available for comparison. The Demonstration Projects Study commissioned by NIE, although not nationally representative, did collect information on amount of time in regular instruction as well as compensatory instruction. Comparisons of several aspects of regular and compensatory instructional services in 12 demonstration districts are presented in Chapter IV.

The percentage of total instructional time spent in compensatory instruction is roughly similar for these three groups of students: 29% for reading participants, 22% for language arts participants, and 27% for mathematics participants. Students who receive compensatory instruction in two or more subjects spend less time in any one subject. Compensatory education students generally spend an average of 20% to 25% of available time in compensatory instruction in one or more subjects.[6]

Class and Group Size

While classrooms with fewer students do not guarantee that teachers will attend to the needs of individual students, they provide greater opportunity for individual attention. The average class size for compensatory instruction is 9 students in remedial reading and 12 students in both language arts and mathematics.[7] These are significantly smaller classes than the students' homerooms, which contain an average of 27 students.

Within a classroom, of course, teachers can direct their instruction to the entire class, to subgroups, or to individual students. The majority of remedial reading, language arts, and mathematics teachers reported using all three methods. The average size for instructional subgroups was four to five students.

Teacher Qualifications and Characteristics

The special instruction required by compensatory students makes the education and specialized training of their teachers of special importance. The National Survey collected general information on the characteristics of compensatory education teachers; on the types of staff involved in different subject areas; and on the extent to which teachers' aides, as well as professional instructional personnel, are used in providing compensatory instruction.

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[6] From information about the total amount of time available to all students for learning, e.g., the number of minutes in the school day minus recesses and lunch, the percentage of time in compensatory instruction was calculated. This percentage takes into account differences in the length of the school day. Table B-1 illustrates grade-level differences in compensatory instructional time.

[7] See Figures B-5, B-6, and B-7 for grade-level variations in average class size for compensatory instruction in these three subjects.

During the 1975-76 school year, an estimated 111,087 teachers, or approximately 10% of the teachers in Title I districts, were involved in providing compensatory education instruction. Approximately 87,160 teachers' aides (54% of all aides) worked in Title I programs in these districts.

Most of the teachers providing compensatory instruction have some advanced academic training beyond a bachelor's degree, and a considerable percentage have at least a master's degree. Table 6 reports information on the educational background and certification of these teachers.

TABLE 6

EDUCATIONAL BACKGROUND AND CERTIFICATION OF CE TEACHERS

Degree	Percent
Bachelor's or less	33.0
Bachelor's plus courses	36.5
Master's or more	30.5
Certification	
Temporary	15.8
Renewable	25.1
Permanent	58.1
None	1.0

The majority of compensatory education teachers specialize in a single subject, while 37.8% provide compensatory instruction in two or more subject areas.[8] In addition to these teachers, aides and other nonprofessional personnel provide compensatory instruction. The survey data were used to determine the percentage of students receiving instruction from the different types of instructors in reading, language arts, and mathematics. Table 7 provides this information. Because many students receive instruction in situations where more than one individual teacher is involved, the percentages in the table sum to more than 100. However, it is clear that students are more likely to receive some instruction from a specialist in remedial reading than in language arts or mathematics. In all three subject areas, students frequently receive instruction from aides.

When both a teacher and an aide are in the compensatory classroom, teachers report that the aides are frequently involved in giving attention to individual students. In compensatory reading classes, 42% of the teachers reported that aides provided individual instruction. In language arts, 58% reported the involvement of aides in providing individual attention; and in compensatory mathematics, 75% did so.

The time that students spend in compensatory instruction per week varies according to the types of instructors involved (see Table 8). For example, students receiving compensatory reading instruction involving aides receive approximately 4 hours and 20 minutes a week of such instruction, while students receiving compensatory reading with a subject area specialist receive almost 1 hour less compensatory reading per week. In language arts, on the other hand, students receive slightly more time when a specialist is involved, and in mathematics the differences are minimal.

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[8] Table B-2 indicates the distribution of teachers according to the subject in which they provide compensatory instruction.

TABLE 7

TYPES OF TEACHERS* FROM WHOM CE STUDENTS RECEIVE COMPENSATORY INSTRUCTION

	Classroom Teacher	Subject Area Specialist	Aides	Parents	Students
Percent of CE reading students	52.9	74.8	49.4	5.9	12.5
Standard error	4.4	3.3	5.7	1.4	2.6
Percent of CE language arts students	76.6	46.8	66.7	12.9	22.4
Standard error	4.8	4.4	3.2	3.1	4.7
Percent of CE mathematics students	73.6	48.7	62.0	11.3	23.3
Standard error	5.2	6.0	6.1	2.3	3.6

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*Classroom teachers are those who regularly teach a variety of subjects, while subject area specialists regularly teach only one subject.

TABLE 8

AVERAGE MINUTES PER WEEK IN COMPENSATORY EDUCATION INSTRUCTION, BY INSTRUCTOR

	Reading	Language Arts	Mathematics
Classroom teacher	248	267	202
Subject area specialist	211	268	192
Teachers' aide	263	249	200
Paid parent	318	173	211
Volunteer parent	219	251	192
Older student	262	263	186
Peer	223	278	213
Average time per subject	227	249	198

Table 9 indicates the racial and ethnic distribution of compensatory education teachers. Though this distribution is less representative of the racial and ethnic distribution of the group of compensatory education students, which includes more minorities and fewer whites, it parallels closely that of total enrollment in Title I districts.

TABLE 9

RACIAL/ETHNIC DISTRIBUTION OF CE TEACHERS

	Percent
White	76.8
Black	19.6
Spanish surnamed	1.7
American Indian	0.1
Asian/Pacific Islander	0.5

Individualization

Individualized instruction is concerned with ways in which teachers pay attention to the different abilities and learning problems of individual children and is a major focus of NIE's research. Because it has been defined in different ways, the National Survey collected information not on "individualization" but on the extent to which compensatory education teachers utilize the following four individualized techniques: alternative learning paths and sequencing for individual children; individual or small group pacing; assignment of specific learning objectives or activities to individual children; and diagnostic and prescriptive activities.[9]

Table 10 reports the survey results for compensatory instruction in reading, language arts, and mathematics. Many teachers in each of these areas report that they individualize their instruction. There are, however, some interesting variations, and some of the techniques of individualization are less likely to be used than others. The first two techniques—alternative learning paths and sequencing, and individual or small group pacing—are reportedly in widespread use by compensatory education teachers in these three subject areas. The other two techniques are much less frequently used. Fewer than half of the teachers assign any specific learning objectives, and among those who do, objectives are generally set for the whole class, as well as for individual children. With respect to the use of diagnostic and prescriptive activities, many teachers report using standardized achievement test scores that reflect a student's performance in relation to others. Tests that provide detailed information on an individual student's skills are more appropriate for individualized instruction. The teachers' responses reveal few differences among the three subject areas in any of the four techniques.

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[9] The NIE Instructional Dimensions Study is examining the relationship between individualization and student achievement. The results of that study will be reported in September 1977. "Alternative learning paths and sequencing" refers to the technique of changing the material presented to a child, or the order in which it is presented, according to the child's interests and skills.

TABLE 10

TECHNIQUES CHARACTERIZING INDIVIDUALIZATION OF INSTRUCTION IN CE READING, LANGUAGE ARTS, AND MATHEMATICS PROGRAMS

Instructional Characteristic	Percent of CE Teachers Employing Characteristic		
	Reading	Language Arts	Mathematics
Alternative Learning Paths and Sequencing			
1) Level of difficulty of instructional materials:			
All approximately same level	20.9	28.1	21.7
Vary in level of difficulty	78.4	71.8	75.8
2) Sequence in which skills are taught:*			
All students receive in same order	25.0	29.4	31.0
Students receive in different sequence	63.0	70.5	57.0
Individual or Small Group Pacing			
3) How tasks are assigned:*			
To whole class	17.0	13.6	17.0
To small groups	32.0	43.1	29.0
To individual students	38.0	43.1	43.0
Specific Learning Objectives			
4) Use of performance objectives:			
Specific performance objectives used	38.5	43.0	44.0
Of those using specific objectives, goals are set for:			
Each child	90.4	83.7	83.8
Subgroups	64.9	71.2	59.4
Whole class	73.1	69.2	70.0
Diagnostic and Prescriptive Activities			
5) Measures used by teachers to assess performance level at beginning of instruction:			
Standardized achievement test scores	77.1	70.8	63.9
Standardized diagnostic test scores	45.7	43.7	35.1
Criterion- or objective-referenced tests	19.4	24.1	24.5
Student's age	14.8	17.0	11.1
Teacher judgment	72.7	79.5	68.1
Individualized skill inventory	47.6	60.0	36.4
Other methods	13.2	20.8	11.6
6) Frequency with which student progress is systematically recoroed:			
5 or more times a week	23.1	22.0	25.0
1-4 times a week	46.0	52.3	45.1
1-3 times a month	21.6	19.7	23.3
Less than 1-3 times a month	8.8	5.8	6.5

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*These questions were asked only of teachers with more than three students, so the percentages do not add to 100.

Location of Instruction

One of the controversial issues in the delivery of compensatory instruction has been the question of whether to provide special instruction inside or outside the students' regular classroom. Pullout programs guarantee that compensatory students receive an identifiable program. On the other hand, there is concern that their use might lead to tracking compensatory students for both regular and remedial instruction.

The survey, therefore, collected information on the current prevalence of pullout programs and on differences between the experiences of compensatory students in pullout and regular classroom settings. These two groups of students were compared to see if the location of their compensatory instruction affected their regular instruction, the amount of time they spent in compensatory instruction, or the type of teacher from whom they receive the compensatory instruction.

Many compensatory education students receive instruction in pullout programs in each of the three subjects (see Table II). Pullout programs are most widespread in compensatory reading, where three-quarters of the students receive their compensatory instruction outside the regular classroom.

TABLE 11

PERCENT OF CE STUDENTS IN PULLOUT PROGRAMS

	Percent	Standard Error
Compensatory education reading	74.5	4.0
Compensatory education language arts	40.5	5.0
Compensatory education mathematics	44.7	6.0

A large number of compensatory education students apparently are placed in a separate track for the entire school day. Survey results indicate that 23.6% of compensatory education students are grouped together for their regular instruction. That is, these students are placed in homerooms composed entirely of compensatory education students. One possible advantage of this practice of tracking compensatory education students for regular instruction is that the students are less likely to be pulled from their regular classrooms for compensatory instruction.[10] A disadvantage, of course, is that such compensatory education students spend their entire instructional day isolated from noncompensatory education students.

Given the large number of compensatory education students who leave their regular classrooms to receive compensatory instruction, it is important to determine whether they are more likely to miss regular instruction in some subjects than students receiving compensatory instruction in the regular classroom. Table 12 presents information on the kinds of regular instruction the two groups of students are likely to miss.[11] Students in pullout programs are more likely to miss some or all of their regular instruction in various subjects than those who receive compensatory instruction in their regular classroom. In fact, in the subjects for which they are receiving compensatory instruction, students in pullout programs are twice as likely as students in regular classroom programs to miss regular instruction.

Homeroom teachers stated that more than half the compensatory education students taught in their regular classroom, and about a third of those in pullout programs are not missing instruction in any subject. However, these teachers might have meant that the students were not missing all the instruction given in any subject; therefore, the numbers in this category should be treated with caution.

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[10] In 100% compensatory education homerooms, only 45% of the students receive reading in a separate location, 13.6% receive language arts in a pullout program, and 17.8% receive mathematics outside the regular classroom.

[11] Table B-3 provides this information for compensatory education students regardless of the location of the compensatory instruction.

TABLE 12

PERCENT OF PARTICIPANTS WHO MISS REGULAR INSTRUCTION, BY SUBJECT, DURING PARTICIPATION IN CE PROGRAMS

	CE Programs in the Regular Classroom			Pullout Programs		
Subject Missed	Reading	Language Arts	Mathematics	Reading	Language Arts	Mathematics
Reading	8	4	2	16	8	7
Language arts	4	6	4	14	20	13
Mathematics	2	4	7	8	12	16
Social studies	9	7	6	19	18	15
Science	6	10	8	15	15	12
Music	4	9	6	6	11	6
Art	4	8	7	7	11	6
Industrial arts/home economics	4	6	6	1	4	2
Physical education	3	4	4	5	5	4
Study time	13	8	8	19	18	13
Other subjects	5	7	7	11	11	8
No subjects missed	55	61	59	32	30	38

The survey data were also used to compare the amount of instructional time spent on the two groups of students. In this respect, the experiences of students in pullout and regular classroom programs do not differ. The percentage of instructional time devoted to compensatory instruction does not vary significantly between pullout and regular classroom programs in compensatory reading, language arts, or mathematics.

The type of staff providing the compensatory instruction was also examined to see whether it varied depending on whether the students receive the instruction in their regular classroom or another location (see Table 13). In each of the three

TABLE 13

PERCENT OF PARTICIPANTS RECEIVING COMPENSATORY INSTRUCTION FROM DIFFERENT TYPES OF STAFF

Compensatory Programs in the Regular Classroom

	Reading	Language Arts	Mathematics
Classroom teacher	85.9	92.6	91.3
Subject area specialist	48.6	31.1	24.3
Teachers' aide	72.8	72.1	73.7
Paid parent	0.7	1.0	1.5
Volunteer parent	13.5	13.6	12.9
Older student	9.6	10.8	13.6
Peer	16.2	15.8	21.7

Pullout Programs

	Reading	Language Arts	Mathematics
Classroom teacher	33.2	49.1	41.2
Subject area specialist	84.9	75.7	76.1
Teachers' aide	32.2	50.6	34.1
Paid parent	0.4	1.8	0.1
Volunteer parent	3.2	4.3	5.1
Older student	3.0	5.4	4.9
Peer	4.1	7.9	5.0

subjects, many more students receiving the compensatory instruction in a pullout program receive some of this instruction from specialists. In mainstream programs, though, more students receive instruction from the regular classroom teacher or from teachers' aides.

In sum, it appears that students in pullout programs are more likely to miss regular instruction than students in regular classroom programs. However, they have the advantage of being more likely to receive the compensatory instruction from a subject area specialist.

PATTERNS OF EXPENDITURES AND SERVICES

Although the National Survey was conducted to obtain a comprehensive description of services, the data collected also help account for differences among districts in terms of the numbers of pupils served, the location of instruction, and the total instructional time provided.[12]

Total expenditures for Title I—an amount approximately equal to the size of the district's Title I grant—are clearly a major determinant of the size of every district's program. In particular, the total amount of a district's Title I expenditure is closely related to the number of students served in every instructional area. The relationship is exceptionally strong for reading programs (i.e., total expenditures explain 84% of the variance in the numbers of students provided with compensatory reading instruction) and only slightly less strong for language arts, mathematics, and other subjects.

Total Title I expenditures also have a powerful effect on the ways districts deliver services, and specifically on the location of instruction. Pullout programs are more prevalent in districts with large Title I grants; in fact, the size of the Title I grant accounts for 89% of the variance in the numbers of students provided reading in pullout programs.

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[12] Appendix C provides a more complete technical description of the analyses on which this discussion is based.

These findings demonstrate the impact that Federal funding has on districts' programs. In addition, decisions made by the districts themselves influence heavily the kinds of services they deliver. To examine the consequences of district-level decisions, NIE analyzed the relationship between services delivered, Title I budget plans, and the types of compensatory education teachers hired.

The Title I budget is submitted to the SEA as part of each district's Title I application. It represents the district's plans for using Title I funds in the coming year and includes spending projections for several classes of Title I services, including each major instructional area.

NIE analyzed the survey data to determine the degree to which districts' spending plans, as represented by their Title I budgets, accounted for differences among the services delivered. Surprisingly, Title I budgets proved to be not at all informative about the services actually delivered. The dollar amounts projected for various instructional areas were related only weakly to the numbers of students served and the time spent in instruction in these areas. (In general, they explained less than 5% of the variance in each of the measures of services delivered.) These findings reflect the low utility of the Title I application as a predictor of district practices.

However, other district choices explain a great deal about the differences in their compensatory instructional programs. This becomes clear on examining district differences in selecting compensatory education teachers, a key instructional resource.

The number of teachers hired is a function of overall Title I expenditures, and teacher salaries account for nearly all of the instructional expenses in Title I. The number of teachers employed, therefore, should explain a great deal of the differences among districts' compensatory programs.

In fact, teacher hiring is strongly related to the two available indicators of the quantity of compensatory services provided: numbers of students served and total instructional time provided. For example, the size of the teaching staff explains 96% of the variance in the numbers of students provided with compensatory reading, and it is an equally strong indicator of the total time spent in compensatory reading. Similar relationships can be demonstrated in the other three principal instructional areas examined.

Finer distinctions among types of instructional staff are also informative. Districts' choices among types of staff (i.e., teachers' aides, teachers with only bachelor's degrees, those with graduate work, and teachers with master's or higher degrees) explain differences in the nature, as well as the quantity, of instruction that districts deliver.

District decisions to hire certain types of teachers are closely related to the kinds of instruction emphasized in their compensatory programs. The relationship is particularly clear with two types of staff: aides and teachers with a bachelor's degree or less. Districts hiring teachers' aides generally focus on compensatory reading and are likely to serve fewer than average students in the other instructional areas. In contrast, districts hiring teachers with a bachelor's degree or less emphasize participation in language arts programs. They also serve fewer students than average in reading, mathematics, or other subjects. Finally, although the relationship is not as strong, districts that hire teachers with master's degrees tend to focus primarily on reading and mathematics.

Staffing decisions are also related to districts' use of pullout programs. Districts with more students participating in pullout programs hire more teachers with master's degrees. Pullout reading programs, moreover, exhibit a distinctive staffing pattern. Districts that emphasize student participation in pullout reading hire more teachers' aides as well as teachers with master's degrees.

NIE's analysis also shows a relationship between staffing decisions and the amount of time scheduled for compensatory instruction. In general, districts hiring less well educated and therefore lower paid personnel schedule more hours of compensatory instruction. Among those emphasizing pullout reading, districts hiring more aides provide more time than those hiring only teachers with master's degrees. In language arts programs, districts employing compensatory education teachers with a bachelor's degree or less also provide several times as much total compensatory instruction time as those hiring compensatory education teachers in the highest education category. Given the constraint of a certain amount of Title I funds to spend, a district's decision to schedule more time in compensatory instruction in a particular subject requires hiring aides or less highly educated teachers for the programs.

These findings demonstrate that the differences observed in the ways in which districts conduct their Title I programs are not haphazard or inexplicable. They are clearly related both to the constraints imposed by Federal funding and to choices made by the districts themselves.

CHAPTER IV. REGULAR AND COMPENSATORY INSTRUCTION IN 12 SCHOOL DISTRICTS

The most direct method of assessing the special nature of Title I instruction is to compare Title I services provided to participating students with the instruction that they and nonparticipants receive as part of school districts' regular programs. NIE collected the detailed information required for such an analysis from 12 school districts involved in research on experimental changes in Title I allocations. Although these districts are not a nationally representative sample, they do provide one of the most complete descriptions to date of the differences between the instruction received by Title I and non-Title I students.

The analysis focuses on four of the characteristics of instruction examined in the preceding chapter: amount of instructional time, class size, type of teacher, and individualized instruction. This chapter, therefore, extends NIE's analysis of compensatory instruction. It provides detailed information on the differences between the compensatory and regular instruction received by Title I students in reading and language arts and compares that instruction with the services received by nonparticipants.[1]

DATA ON SERVICES IN 12 DEMONSTRATION DISTRICTS

The 12 demonstration districts providing the information discussed below have initiated projects to examine the effects of a possible change from poverty to achievement as the eligibility criterion for allocating Title I funds within school districts.[2]

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[1] Due to the small size of the compensatory mathematics programs in these districts, and therefore the small number of sample students receiving such instruction, a detailed analysis for mathematics has not been conducted.

NIE is conducting a 3-year study in these districts. In the first year (1975-76), the districts continued to operate Title I programs using standard allocation procedures. During that year, data were collected on the services that districts delivered to Title I and non-Title I students. These data, collected before the demonstration districts implemented the allocation changes, are the basis for the results reported in this chapter.

The data include information on the specific characteristics of Title I and regular instructional services and are based on a sample of approximately 3,000 students from 3d- and 4th grade classrooms in the 12 districts.[3] This chapter describes Title I and non-Title I language arts instruction, defined here to include both reading and other language arts components.[4] The instructional characteristics examined are:

- Time (minutes per day) spent in language arts, other academic instruction, nonacademic instruction, and other activities
- Instructional group size, defined as the number of students taught for the particular activity being described
- Type of teacher, defined as the person responsible for the activity being described

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[2] Thirteen districts are actually participating in the Demonstration Study. The results from only 12 are analyzed in this chapter because the sample of students receiving language arts instruction in the thirteenth was too small to permit reliable estimates. For a more detailed description of the demonstration projects, see Evaluating Compensatory Education: An Interim Report on the NIE Compensatory Education Study. Washington, D.C.: The National Institute of Education, December 1976.

[3] The Title I sample discussed in this chapter is limited to those children who actually received compensatory language arts instruction.

[4] This definition differs from that used by the National Survey, which collected data separately for reading and language arts programs.

- Amount of Individualized Instruction or the extent to which 3d- and 4th-grade teachers of regular and compensatory classes tailor their instructional practices to individual needs

Two important questions can be addressed with the data:

- How does the compensatory instruction received by Title I students differ from the regular instruction these students receive?

- How does the instruction (regular and compensatory) received by Title I students differ from the services non-Title I students receive?

FINDINGS

Instructional Time

Table 14 shows the amount of time per day that Title I and non-Title I students spend in regular and compensatory language arts instruction. If regular and compensatory instruction are combined, Title I students receive more language arts instruction per day than non-Title I students in 9 of the 12 districts. In two districts, Title I students receive approximately the same amount of time in language arts instruction as non-Title I students; in one district, they receive less.

A comparison of the amount of time that the two groups of students spend in regular language arts instruction indicates that compensatory instruction in language arts typically replaces some regular language arts work for Title I students. In 11 of the 12 districts, Title I students spend less time in regular language arts instruction than other students.

Compensatory language arts instruction also replaces other academic and non-academic work, though to a lesser degree (see Table 15). For example, in 10 of the 12 districts, students lose an average of a few minutes per day in academic instruction other than language arts. Some of the students missing academic instruction might do so because they participate in other compensatory programs as well as language arts.

TABLE 14

AVERAGE NUMBER OF MINUTES PER DAY SPENT IN LANGUAGE ARTS INSTRUCTION BY TITLE I AND NON-TITLE I STUDENTS IN THE DEMONSTRATION DISTRICTS

	Title I Students*			Non-Title I Students**		
District	Regular Instruction	Compensatory Instruction	Total Instruction	Regular Instruction	Compensatory Instruction	Total Instruction
1	109	28	137	119	1.3	120
2	68	41	109	100	7.0	107
3	111	35	146	143	1.4	144
4	90	42	132	106	2.4	108
5	97	35	132	110	1.4	111
6	120	28	148	130	1.0	131
7	122	38	160	145	3.1	148
8	96	37	133	109	1.4	110
9	112	34	146	129	2.0	131
10	111	27	138	109	1.0	110
11	112	41	153	136	1.7	138
12	67	30	97	108	2.2	110
Average	101	35	136	120	2.2	122

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*N = 412.

**N = 2,513.

TABLE 15

AVERAGE NUMBER OF MINUTES PER DAY SPENT IN OTHER ACADEMIC AND NONACADEMIC INSTRUCTION BY TITLE I AND NON-TITLE I STUDENTS IN THE DEMONSTRATION DISTRICTS

	Other Academic Instruction[*]		Nonacademic Instruction[**]		Other Activities[***]	
District	Title I	Non-Title I	Title I	Non-Title I	Title I	Non-Title I
1	73	94	49	53	101	118
2	79	79	62	47	72	87
3	95	103	36	38	104	121
4	69	81	33	45	106	104
5	89	95	49	57	85	93
6	86	94	49	56	118	118
7	118	118	47	57	65	68
8	76	90	54	63	101	104
9	82	89	63	69	94	100
10	80	91	56	61	127	125
11	81	88	47	52	82	84
12	89	100	58	45	139	129
Average	85	94	50	54	100	104

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[*] Other academic instruction includes such subjects as mathematics (both regular and compensatory), science, social studies, and English as a second language.

[**] Nonacademic instruction includes such subjects as physical education, fine arts, and cultural enrichment.

[***] Other activities include, for example, lunch and recess.

Instructional Group Size

The amount of individual or small group instruction that children receive is thought to be an important determinant of their success in school. Because the average compensatory class in the demonstration districts has about eight children, the instructional groups in these classes are likely to be smaller than in regular classes.

Table 16 compares the proportion of time that Title I students spend in instructional groups of different sizes during their regular and compensatory instruction. As expected, in all 12 districts, they generally receive compensatory language arts instruction in smaller groups than those in which they receive regular instruction. On the average, there is little difference in the amount of individual instruction in the two classes, though considerable variation exists. However, district programs devote an average of half their compensatory instruction time to teaching in small groups of two to five students and almost no time to large group instruction. In regular language arts classes, medium and large group instruction absorbs the greater part of available time.

Table 17 compares Title I and non-Title I students and examines the total time (regular and compensatory) spent in groups of different sizes. Title I students consistently spend more time in small group instruction than non-Title I students. In 11 of the 12 districts, they also spend less time being taught in large groups. There is no consistent pattern for individual or medium-size group instruction.

Teacher Type

Table 18 shows the proportion of time Title I students spend with different types of teachers in compensatory and regular language arts classes. The table distinguishes classroom teachers, who have regular homeroom responsibilities, from instructional specialists, who teach a single subject area such as language arts.

In making comparisons between teachers of Title I and non-Title I children, the terms "classroom teacher" and "instructional specialist" refer to teaching responsibilities and not necessarily to qualifications, experience, or employment status. A comparison of classroom teachers and specialists in the demonstration

TABLE 16

PROPORTION OF TIME TITLE I STUDENTS SPEND IN INSTRUCTIONAL GROUPS[*] OF VARIOUS SIZES IN THEIR REGULAR AND COMPENSATORY LANGUAGE ARTS CLASSES

	Regular Instruction					Compensatory Instruction				
District	Individual[**]	Small[***]	Medium[†]	Large[††]	Total Minutes/Day[†††]	Individual	Small	Medium	Large	Total Minutes/Day
1	21%	13%	30%	36%	109	7%	30%	63%	0%	28
2	42	16	28	14	68	37	36	27	1	41
3	12	19	15	54	109	25	46	16	13	32
4	13	17	46	25	86	7	47	44	2	40
5	13	16	39	31	94	16	51	34	0	35
6	8	9	33	50	118	3	38	59	1	27
[illegible]	6	11	35	48	119	7	27	62	4	37
8	13	16	19	52	93	7	90	3	0	36
9	9	4	42	45	108	20	80	0	0	34
10	18	25	39	18	109	10	73	17	0	27
11	8	7	47	37	107	5	50	46	0	41
12	19	13	10	58	67	7	61	26	7	30
Average	15%	14%	32%	39%	99	13%	52%	33%	2%	34

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[*] Instructional group size reflects the number of students attending the same lesson or assignment.

[**] Individual groups include one student.

[***] Small groups include two to five students.

[†] Medium groups include 6 to 20 students.

[††] Large groups include more than 20 students.

[†††] Total minutes for group size do not match total minutes in language arts instruction cited in Table 14 due to differential nonresponse on the two questionnaire items.

TABLE 17

PROPORTION OF TIME TITLE I AND NON-TITLE I STUDENTS SPEND IN INSTRUCTIONAL GROUPS OF VARIOUS SIZES

	Title I Students					Non-Title I Students				
District	Individual	Small	Medium	Large	Total Minutes/Day	Individual	Small	Medium	Large	Total Minutes/Day
1	20%	16%	35%	29%	137	12%	10%	26%	51%	121
2	44	24	21	11	109	17	18	37	29	106
3	11	30	16	43	141	10	5	33	53	142
4	11	26	46	17	126	11	14	46	28	99
5	14	27	38	21	129	16	7	36	41	110
6	7	14	38	41	145	9	5	28	57	128
7	6	13	42	38	156	7	6	39	49	145
8	11	35	16	38	129	18	10	19	53	107
9	11	23	32	34	142	5	3	17	74	130
10	18	34	35	14	136	14	17	35	35	107
11	7	19	48	26	148	9	6	38	47	132
12	17	27	18	39	97	26	9	30	36	111
Average	15%	24%	32%	29%	133	13%	9%	32%	46%	120

TABLE 18

PROPORTION OF TIME TITLE I STUDENTS SPEND WITH DIFFERENT TYPES OF TEACHERS IN THEIR REGULAR AND COMPENSATORY CLASSES

	Regular Instruction					Compensatory Instruction				
District	Classroom Teacher	Specialist	Paraprofessional*	No Adult**	Total Minutes/Day***	Classroom Teacher	Specialist	Paraprofessional	No Adult	Total Minutes/Day
1	[illegible]	0%	2%	34%	109	0%	84%	10%	6%	32
2	51	1	13	35	67	19	32	34	16	41
3	87	1	1	11	109	12	62	22	4	34
4	77	3	3	17	87	5	88	5	2	41
5	73	6	5	16	95	0	87	10	3	35
6	82	1	3	14	119	2	94	3	1	28
7	84	2	3	12	117	5	85	8	2	37
8	75	2	4	19	94	1	22	77	0	36
9	85	1	3	11	111	0	11	88	1	34
10	62	2	12	25	109	5	82	14	0	24
11	77	2	2	19	110	2	80	13	6	40
12	54	0	0	46	61	7	67	0	26	30
Average	73%	2%	4%	22%	99	5%	66%	24%	6%	34

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*Paraprofessionals include student teachers, paid aides or assistants, parent/adult volunteers, other adults (excluding professionals and specialists), and older students. This category can include some staff who are certified to teach.

**No adult means that for the period of time recorded the child was working without direct supervision.

***Total minutes for teacher type do not match total minutes in language arts instruction cited in Table 14 due to differential nonresponse on the two questionnaire items.

districts indicates that on the average specialists have a higher level of education than regular classroom teachers but approximately equal experience. In terms of employment status, more specialists are nontenured, though both specialists and teachers are full-time employees.

However, differences between classroom teachers' and specialists' educational levels and years of experience vary substantially among districts. In some sites, the position of specialist appears to be one of leadership based on training and/or experience. In others, specialists have less experience than teachers and either approximately the same or only slightly higher educational levels.[5]

In all 12 districts, Title I students receive more instruction from specialists while in their compensatory language arts classes than while in regular language arts. In the compensatory classes, they also spend less time with no direct adult supervision. Finally, in many of the districts, Title I students spend more time with paraprofessionals while in compensatory classes.

Table 19 compares total time (regular and compensatory) that Title I and non-Title I students spend with different types of teachers. The differences closely parallel those between regular and compensatory instruction for Title I students. Title I students generally spend more time with instructional specialists, less time with no adult supervision, and less time with classroom teachers than do non-Title I students. In most districts, they also spend slightly more time with paraprofessionals.

However, the relative emphasis placed on the use of paraprofessionals and instructional specialists in Title I programs varies considerably in these districts. Some pupils spend relatively little time with paraprofessionals and a great deal with specialists; other programs rely more heavily on paraprofessionals.

Individualized Instruction

In these 12 districts, Title I students are more likely to receive instruction in small groups and from specialists than children in regular classes. Thus, the possibility of providing individualized instruction is increased.

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[5] See Tables B-4 and B-5.

TABLE 19

PROPORTION OF TIME TITLE I AND NON-TITLE I STUDENTS SPEND WITH DIFFERENT TYPES OF TEACHERS

	Title I Students					Non-Title I Students				
District	Classroom Teacher	Specialist	Parapro-fessional	No Adult	Total Minutes/Day	Classroom Teacher	Specialist	Parapro-fessional	No Adult	Total Minutes/Day
1	49%	18%	4%	28%	141	70%	2%	3%	24%	120
2	38	11	22	28	108	52	4	15	28	106
3	71	17	3	9	143	80	2	4	15	143
4	52	31	4	13	128	70	3	4	22	104
5	52	29	7	13	130	71	5	3	21	110
6	66	19	3	12	147	77	1	2	20	129
7	65	22	4	9	154	79	3	1	16	145
8	56	10	20	14	130	67	2	4	27	108
9	64	4	23	9	145	83	3	4	11	130
10	51	17	11	20	133	69	1	9	21	105
11	57	23	5	15	150	70	3	3	24	134
12	35	23	0	43	91	56	5	5	34	109
Average	55%	19%	9%	18%	133	70%	3%	5%	22%	122

Table 20 summarizes the responses of demonstration district teachers to a number of questions about how they individualize instruction for Title I children in regular and compensatory classes. It shows that compensatory education teachers are more likely than regular teachers to:

- Use different materials for different children
- Assign tasks to individual students
- Set specific performance objectives for individual children and have access to materials keyed to those objectives
- Use standardized achievement or diagnostic tests
- Record children's progress at frequent intervals

Although compensatory education teachers on the average report using more individualized instruction than regular teachers, considerable variation is found within and across sites. Some districts' programs are individualized in a number of different ways, but most devote their attention to some, but not all, aspects of individualization.

In general, the results suggest that certain characteristics of compensatory classes (i.e., small group size or specially trained staff) provide the opportunity for individualized instruction but do not in themselves guarantee that it will occur.

PATTERNS OF SERVICES

The findings indicate that the compensatory language arts instruction received by Title I children in the 12 districts is generally different from the instruction received by Title I and non-Title I students in regular classrooms. Compensatory instruction is not always different in every characteristic from regular instruction, but Title I students in every district receive instruction that is distinctive in some ways.

TABLE 20

TECHNIQUES CHARACTERIZING INDIVIDUALIZATION OF INSTRUCTION IN REGULAR AND COMPENSATORY LANGUAGE ARTS PROGRAMS IN THE DEMONSTRATION DISTRICTS (FOR TITLE I STUDENTS ONLY)

Instructional Characteristics	Average Percent of Teachers Employing Characteristics			
	Regular Classes		Compensatory Classes	
	Mean	Range	Mean	Range
Alternative Learning Paths and Sequencing				
1. How materials are used:				
a. Different materials for different children	30	7 to 47	51	0 to 100
b. Same materials, different sequence	17	0 to 40	18	0 to 60
c. Same materials, same order, different rate	35	0 to 47	5	0 to 40
d. Same materials, same order, same rate	16	0 to 47	5	0 to 46
Individual or Small Group Pacing				
2. How tasks are assigned:				
a. To individual students	26	19 to 42	56	30 to [illegible]
b. To small groups	27	14 to 44	27	0 to [illegible]
c. To whole class	49	27 to 67	19	0 to [illegible]
Specific Learning Objectives				
3. Use of performance objectives:				
a. Specific performance objectives used	87	72 to 100	90	56 to 100
b. Of those using specific objectives, goals are set for:				
Each child	13	0 to 33	66	0 to 100
Small groups	20	0 to 45	19	0 to 83
Total group	66	42 to 100	16	0 to 100
c. Of those using specific objectives, access to materials keyed to those objectives	64	43 to 88	94	87 to 100
Diagnostic and Prescriptive Activities				
4. Tests used to assess performance level at beginning of instruction:				
a. Standardized achievement test scores	54	20 to 80	86	30 to 100
b. Standardized diagnostic test scores	39	20 to 80	71	40 to 100
c. Scores on district-, school-, or program-developed tests keyed to instructional objectives	51	22 to 97	64	33 to 100
d. Scores on teaching staff-developed tests keyed to instructional objectives	57	20 to 80	52	6 to 100
e. Informal testing	82	50 to 100	74	33 to 100
5. Frequency of recording students' progress:				
a. 5 times a week	2	0 to 7	28	0 to 100
b. 1-4 times a week	16	6 to 40	36	10 to 50
c. 1-3 times a month	58	27 to 93	25	0 to 67
d. Less than 1-3 times a month	23	0 to 60	10	0 to 70

Table 21 summarizes data that indicate whether the language arts instruction received by Title I students is more intensive (i.e., it provides additional minutes of instruction, more time in groups of one to five students, and more time with professional staff). The table does not include data on individualized instruction because most districts did not demonstrate consistent patterns across all dimensions.

In general, the results show that in each of the 12 districts, Title I students receive special services in the sense that they are given some additional time in language arts instruction, or they receive instruction in smaller groups, or from more highly qualified staff.

Title I students in some districts receive instruction that is distinctive in all three characteristics. For example, Title I students in district 10 receive more language arts instruction than other students, and they receive this instruction in smaller groups and from more highly trained staff.

Many districts do not provide Title I students with instruction that is equally distinctive in all respects. For example, Title I students in district 9 receive more language arts instruction and substantially more small group instruction than non-Title I students. However, the Title I students spend less time with professional staff. In contrast, Title I students in district 12 spend considerably more time with instructional specialists but receive less language arts instruction overall than other students.

These differences among districts are not surprising because districts must make difficult choices in planning their compensatory programs. A decision to increase the time spent in language arts instruction means that students have less time available for other curricula. A decision to hire highly paid instructional specialists might mean that each student receives less time in direct instruction; less highly paid classroom aides can help provide more time in instruction, but the average level of teachers' formal qualifications might be reduced. The data from these 12 districts provide an illustration of the ways districts respond to these alternatives and the tradeoffs they make.

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TABLE 21

TITLE I VS. NON-TITLE I STUDENTS' INSTRUCTIONAL EXPERIENCE (REGULAR AND COMPENSATORY)

District	Additional Minutes/Day in Language Arts Instruction	Additional Minutes/Day in Groups of 1 to 5 Students	Additional Minutes/Day with Professional Staff		
			Specialist	Classroom Teacher	Total
1	+17	+23	+22*	-16	+6
2	+2	+32	+5*	-12	-7
3	+2	+34	+21	-8	+13
4	+24	+21	+35	-5	+30
C – 5	+21	+27	+30	-9	+21
6	+17	+11	+27	-3	+24
7	+12	+11	+29	-14	+15
8	+23	+31	+10	-1	+9
9	+15	+36	+3	-14	-11
10	+28	+34	+22*	-5	+17
W-5 – 11	+15	+18	+30	-4	+24
12	-13	+3	+11*	-28	-17
Average	+14	+23	+20	-10	+10

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*Instructional specialists in these districts have additional training or experience.

CHAPTER V. AUXILIARY SERVICES

Title I funds have always been used to support a wide variety of programs, including not only instruction but also support services of many kinds. As a 1974 Senate report noted:

> . . .local officials are charged with developing local solutions to meet their specific needs. Often the solutions involve remedial education programs in the basic skills. But many local officials have found that their children's educational progress also depends on provision of auxiliary services such as guidance and counseling programs.

The quality of these auxiliary programs and their relevance to the educational needs of disadvantaged children have become a matter of debate, however, and their continued funding under Title I has been questioned. Recent legislative proposals would require that a small fixed proportion of Title I funds be allocated for auxiliary components or that only basic skills instruction be funded.

Although it appears that the proportion of funds allocated to auxiliary services has declined considerably since the beginning of Title I, no detailed information on these services has been collected in recent years. At the outset of the NIE study, it was impossible to ascertain which services were being supported, whether they were designed in relation to students' educational needs, or how they would be affected by the proposed limitations.

To provide substantive data on the current role of auxiliary services in Title I, NIE, therefore, examined the services offered in a variety of districts. The data come from two sources: the NIE National Survey conducted in 1975-76 and followup case studies conducted the following year in 18 of the survey districts. The survey provides nationally representative summary information about the proportion of districts' Title I budgets spent on auxiliary services and the levels of services provided. The case studies provide specific details about the types of auxiliary programs selected by districts for Title I funding.

Four issues were examined in the case study districts. First, the precise categories of auxiliary services and their importance in districts' Title I budgets were described. Districts apply to use Title I funds for services such as health, guidance, social work, food, transportation, and community services. However, no information was available previously that made clear precisely what these services comprise or how they differ from locally funded programs.

Second, NIE examined the changes that have occurred in the nature of the auxiliary services offered within the last 4 years to learn the extent to which States and districts have altered their priorities and either reduced the scope of auxiliary components or changed the nature of the services. It seemed likely, for example, that Federal regulations emphasizing basic skills instruction might already have affected the selection of services offered, as might new legislation and regulations concerning parental involvement.

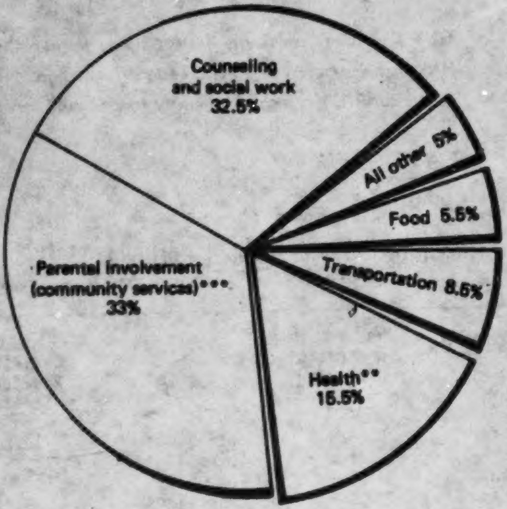
Third, information was obtained on the factors that underlie funding decisions in the area of auxiliary services. NIE analyzed the role of such factors as financial pressures and OE regulations, as well as local needs assessments and evaluations, in determining whether sample districts elect to provide auxiliary services at all. Where such services are provided, NIE examined the factors that influence the choice of services and the level of funding allocated to this portion of the budget.

Finally, NIE obtained information on districts' possible future decisions in this area. This information is derived from the opinions and preferences of local district personnel concerning their Title I auxiliary service components, including: whether they are satisfied with their auxiliary service programs; whether they would like to provide more or fewer services in these areas; and whether more flexibility or additional funding would change the kinds of services offered.

NATIONAL ESTIMATES FROM THE NIE SURVEY

As a percentage of overall Title I expenditures, the amount of money spent for auxiliary services is small. The NIE National Survey found that only 4.6% of the total Title I budget, about $78 million, was allocated for these services in 1975-76.

Approximately one-third of this amount goes to parent involvement services, which are the largest single auxiliary component (see Figure 2). Another third goes to such services as guidance and social work. The remaining third is divided between health and all other auxiliary services, including transportation and food.



*Includes attendance services.
**Includes speech and hearing therapy.
***Funds spent to involve parents in the Title I program, especially through encouragement of PACs, are generally applied for under the category community services. Because parent involvement is a more accurate term, it is used in this report.

FIGURE 2. TITLE I BUDGET FOR AUXILIARY SERVICES, U.S. TOTAL, 1975-76

In addition to budget figures, the National Survey provided two other estimates of the level of auxiliary services provided nationally: the percentage of districts that offer particular services and the numbers of children who receive them. A large number of districts might fund a given service without allocating it much money, while a service funded in relatively few districts might serve more children. For this reason, the two measures show quite different patterns.

Overall, 59% of Title I districts use some Title I funds for auxiliary services. Table 22 lists the percentage of districts using Title I funds for each auxiliary service in 1975-76. According to the survey, the most frequently funded auxiliary services are

TABLE 22

AUXILIARY SERVICES FUNDED WHOLLY OR IN PART BY TITLE I

Type of Service	Percent of Districts Providing Service	Type of Service	Percent of Districts Providing Service
Resource centers	28.5	Social work	12.2
Libraries	21.3	Counseling	9.5
Medical/dental	19.6	Community services	9.4
Psychiatric and diagnostic	18.8	Student body activities	7.9
Transportation	14.6	Clothing	5.5
Food	14.2		
Speech and hearing therapy	13.8		

those most directly related to instruction--resource centers and libraries.[1] A substantial percentage of districts uses Title I funds to provide medical, psychiatric/diagnostic, transportation, and even food services.

Table 23 lists the survey estimates of the number of students receiving some of these auxiliary services. A child is counted once for each service received. Thus, these numbers cannot be summed to yield a national estimate of numbers of children served. Also, because records of auxiliary services are less precise at the district level than records of instructional programs, these estimates are rougher than those for instructional services. However, they indicate that, for example, transportation and food services are received by considerably fewer students than social work, even though a larger number of districts allocate some funding to the first two services than to the third.

TABLE 23

NUMBER OF STUDENTS RECEIVING SELECTED AUXILIARY SERVICES FUNDED BY TITLE I

	National Total	Percent of Participants
Health	786,830	13.3
Counseling and psychological	527,284	8.9
Social work	629,789	10.7
Transportation	349,175	5.9
Food	65,344	1.1
Other	369,833	6.1

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[1] Many districts include resource centers and libraries as part of their instructional program and do not budget or keep records for them separately as part of their auxiliary services program. As a result, subsequent tables from the survey do not include these services as part of the auxiliary services program.

According to these estimates, Title I health services are provided to more children than any other auxiliary service—about one out of eight participants in the Title I instructional program. Counseling and psychological services and social work are among other services provided to a substantial number of Title I children.

Analyses of the survey data did not show any consistent relationships between district characteristics, such as size or poverty level, and levels of auxiliary services provided.

THE FOLLOWUP CASE STUDIES

The 18 case study districts were chosen on the basis of survey information to represent the range of district characteristics and program features as they existed in 1975-76. They differ in size, poverty level, and percentage of minority students; and they vary in the patterns of expenditures for auxiliary services. Included were districts focusing all their auxiliary funds on one type of service, districts providing a range of services, and districts that provided none.[2] For all 18 districts, the average proportion of Title I funds spent for auxiliary services was 7%. This is higher than the national average because the sample was chosen to allow NIE to report on a wide range of programs.

Title I administrative personnel in these districts were interviewed informally about the nature of services provided; how these have changed in the past 4 years; how decisions to deliver auxiliary services are made; and what opinions local school district officials hold regarding these services.

Table 24 summarizes information on the number of case study districts providing particular services and the percentage of the districts' Title I grant spent for each. Health, social work, parent involvement, guidance and psychological services, and

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[2] For additional details concerning the sample construction and characteristics of the 18 districts, see NIE National Survey Followup Study of Non-Instructional Auxiliary Services, National Opinion Research Center, Chicago, Illinois, July 1977.

and transportation are the most frequently offered services. The service for which the highest average proportion of Title I funds is spent is social work, followed closely by guidance and psychological services, and parent involvement.

TABLE 24

AUXILIARY SERVICES FUNDED
BY TITLE I IN 1976-77
IN 18 DISTRICTS

	Number of Districts Providing Service	Average Percent of Title I Grant in Districts Providing Service	Range of Percent
Libraries/resource center	2	1.9	0.3 to 3.5
Health	8	2.8*	0.4 to 7.0
Guidance and psychological	6	4.6	1.1 to 7.3
Social work	7	5.0	0.3 to 21.6
Parent involvement	7	4.0	0.1 to 11.3
Transportation	5	0.7	0.5 to 1.1
Speech therapy	3	3.3	0.3 to 6.7
Food	2	0.4	0.05 to 0.9
Other attendance services	1	1.5	1.5

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*Includes only the six districts where budget figures are available; two programs are not separately budgeted--one is a summer program and the other serves nonpublic school students only.

Library/Resource Centers

The emphasis in the library programs is on serving Title I children by maintaining special materials for use in the classrooms and by providing reading materials of interest to teachers and parents (e.g., professional literature for staff and fiction and nonfiction intended specially for Title I parents). Descriptions of several discontinued library services indicate that they differed from the current services in that they consisted mainly of extra library personnel to give special assistance to Title I children. Current library services stress the provision of resource materials.

Health Services

Districts' Title I health programs generally have similar goals: to identify and remove health problems that interfere with a child's performance in school. The most common type of program identified in the case studies provides the services of nurses whose salaries are paid in whole or in part by Title I. Their activities include medical and dental screening, immunization, referrals, and arranging physical examinations. An important part of these programs is often special prevention and followup activities. These involve working with parents to provide health, nutrition, and hygiene education; special referral services; home visits; and parent consultation. Except in emergencies, the nurses generally serve only Title I children.

All the districts providing school nurses also have a locally funded nursing program. The Title I program differs from the local program in that it provides faster responses to problems of Title I children, as well as more comprehensive screening, home/school liaison, and followup services.

Three health programs differed from the pattern of nursing services described above. Two paid for children's hearing aids, eyeglasses, or doctor bills if no other source of funds could be found. The other service consisted of a comprehensive medical examining team that traveled from school to school providing medical examinations and some limited dental care to Title I children.

Guidance and Psychological Services

Like the health programs, the goals of the guidance and psychological services generally relate to removing obstacles to academic achievement. These services are usually offered in elementary schools and provide funds for two kinds of specialists--counselors and psychologists. The counselors typically work with individuals and with small groups of students or parents in direct counseling; engage in game- and role-playing activities designed to improve attitudes or to overcome emotional or behavioral problems; consult with parents and school personnel; and arrange referrals for specialized assistance outside the school. Psychologists generally provide psychological testing and other diagnostic services; they frequently make recommendations for treatment or alternative educational plans for children referred to them, and serve as consultants to parents and school personnel. In contrast to the health programs, districts that currently provide Title I guidance and psychological service programs are unlikely to provide similar services to non-Title I children in the same grades.

Social Work

Social work programs generally are intended to meet the emotional, cultural, and social needs of Title I children. The social workers act as a liaison between home and school, advising parents on ways to help their children in school. Social workers also make referrals to appropriate community agencies for welfare services, assist parents in dealing with these agencies, counsel children or parents in individual and small group sessions, and arrange for children to participate in "Big Brother" and "Big Sister" programs.

The degree to which these services differ from those provided out of local funds varies. Some districts provide no such service to non-Title I children; in others, the Title I services are highly concentrated supplements to a local program.

Parent Involvement

The goals of programs stressing parental involvement are to facilitate the work of Federally mandated Parent Advisory Councils and to encourage the participation of parents in the Title I program. Two general kinds of service components are typically funded: salaries of PAC coordinators (employees of the district who serve as a liaison with parents, organize workshops, serve as resource persons to PAC members, train parent volunteers, etc.), and expenses for PAC activities (travel, refreshments, babysitting, expenses for PAC meetings, per-diem expenses for attending regional and state conferences, special holiday events, field trips, workshops, and PAC newspapers).

Although services to parents also are offered through other auxiliary services, those provided in the parent involvement category are specifically intended to bring parents into the district decisionmaking process through participation in school- and district-level Title I planning and evaluation. This contrasts with health education, counseling, social work, and even library services, which are provided to the parents on the assumption that they will indirectly improve the child's educational performance.

Parent involvement programs are open to all Title I parents. Some districts apparently provide these funds largely because district personnel believe special incentives are necessary to obtain sufficient parent participation to fulfill Federal requirements for a PAC at every Title I school. Other districts appear to have very active parent groups, and in these cases, the funds for PAC activities may have been included in the budget at the urging of the PAC. There appear to be no local- or state-funded equivalents to these programs emphasizing parent involvement in the decisionmaking process.

Miscellaneous Services

- Transportation--all but one of the transportation programs provided field trips for cultural or educational enrichment. The exception was a district that leased a car to transport children to its Title I diagnostic center.

- Speech therapy--these programs emphasize language development, screening to identify needs, therapy, or referral and placement.

- Food--in the case study districts, Title I now provides only two food programs, which pay for snacks for preschool classes.

- Other attendance services--only one case study district continues to use paraprofessionals from the local community who work with parents to get children back to school and to assist the Title I nurses in routine duties.

CHANGES OVER TIME

Overall, the case study districts report an average decline in the proportion of their Title I grant spent for auxiliary services, from approximately 9% in 1973-74 to 7% in 1976-77. Although this change represents only 2% of all Title I expenditures in these districts, it is a decline of more than 20% in the portion spent on auxiliary services. In some districts cutbacks have been more dramatic, with declines of as much as 80% of the number of students served.

Much of the decline is accounted for by the elimination of these services from the Title I budget. In some cases this represents a real cutback of services in the affected schools. In others, the services are continued with state or local funds, although Title I students cease to be the sole beneficiaries. Library services and guidance programs are the two services that have been dropped most frequently. The loss of a Title I library program represents a real service cutback in the affected schools, but this is not necessarily true for the guidance programs. Although in some places additional funds were not available to replace the Title I guidance service, often districts funded these services from local funds and permitted the counselors and psychologists to serve any child in need and not only Title I children.

Other services that have been eliminated in some of the case study districts are attendance services (which generally are not retained in local budgets), food services (which have all been taken over by the National School Lunch Program and the School Breakfast Program administered by the Department of Agriculture), health, and social work. The health and social work programs generally were continued with local funds, sometimes at a reduced level. Despite the overall decline, Title I social work services are still offered in most of the districts that provided them in the past.

Sometimes when auxiliary services are discontinued, vestiges of the old program remain, such as the practice of providing services during the summer when no local programs exist or serving nonpublic school students for whom no regular service is available. Another option for districts is to reduce the level of funding for a particular component without totally eliminating it. Faced with budget pressures, some districts try to maintain the level of services while serving fewer children, while others continue to provide some minimal services to the same number of children. Others attempt to shift to lower paid personnel, such as paraprofessionals, to make it possible to serve more children for less money. No consistent patterns are evident in the data. The districts were very consistent, however, in stating that in trimming costs for any of the auxiliary services, funds for supplies and materials are cut first. Employees are retained as long as possible, usually until they leave the school system or find a locally funded position, at which time the Title I position is left open and the service dropped.

The one category of service that has clearly increased in these districts is parent involvement. In addition, many other Title I auxiliary services--such as health, guidance and psychology, or social work—now include services to parents or to families as an important part of their design. These parent services are generally not available to non-Title I parents through local or state funds.

The fact that funds for parent involvement services have been increasing, although the overall proportion of Title I spent for auxiliary services has declined in these 18 districts, underlines the shift in emphasis that has taken place and the extent to which the other services have been curtailed.

FACTORS AFFECTING DECISIONS TO PROVIDE AUXILIARY SERVICES

It is apparent from the case studies that several different factors influence the provision of auxiliary services. Generally, two factors are cited in support of district decisions to fund auxiliary services: local assessment of need and Federal emphasis on parent involvement. Four other factors generally explain decisions to reduce or eliminate services: the requirement that services be supplemental, renewed emphasis on basic skills, financial pressures, and program evaluations.

Local Assessment of Need

As the 1974 Senate Report makes clear, "local officials are charged with developing local solutions to meet their specific needs." In the case study districts, local needs assessments were important factors in the decision to provide auxiliary services.

NIE found several kinds of formal criteria used to determine needs for services in initiating new programs and justifying the continuation of ongoing projects. Several districts used statistical indicators of need: records of services provided in the recent past, numbers of children whose records show they have a particular problem, or numbers of referrals for a particular service. One district employs a private research organization to conduct a survey that is used for both needs assessment and evaluation purposes. Another makes use of a survey conducted by the United Way several years ago.[3]

In most case study districts, however, informal and subjective judgments, opinions, and experience with the needs of Title I children dominated the decision to provide auxiliary services. In some cases, the urging of parents, principals, or teachers convinced the administration of the need for certain auxiliary services.

In addition to serving as an impetus to provide auxiliary services, local needs assessments can also serve as the basis for decisions not to provide them. A few districts indicated that they had relatively little need for Title I auxiliary services, sometimes because their communities did not have pressing needs in these areas and sometimes because, although substantial needs existed, other sources of funds provided services.

Emphasis on Parent Advisory Councils

The increase in parental involvement expenditures results from the fact that several districts are now providing funds to establish or strengthen PACs. In discussing their reasons for devoting increased portions of their Title I budgets to parent involvement activities, districts cited new Federal requirements for school-level PACs (the 1974 Amendments and ensuing regulations). The National Survey finding that parent involvement services accounted for about one-third of all funds spent for auxiliary services in 1975-76 indicates that the Federal emphasis on parent involvement in the decisionmaking process has had an impact on the nature of the auxiliary services provided nationally.

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[3] No attempt has been made to determine absolute or relative needs for various services in these 18 districts, such as the level of health care available in the community. The case studies focused on the views of the various participants in the decisionmaking process and the kind of evidence and pressures they face in deciding how to allocate Title I funds.

The Requirement That the Program Be Supplemental

The major influence from the Federal level on districts' decisions about what, if any, auxiliary services to provide seems to be the requirement that services funded by Title I be demonstrably supplemental. Many of the case study districts have had to alter or eliminate auxiliary services because it was difficult to show that they were neither replacing services the children would otherwise be getting from local sources nor providing general assistance to all students.

In the case study districts the services most affected by this requirement are those that resemble programs usually provided by school districts--libraries, guidance, and health. For example, library services that consisted of additional personnel in the regular school library are no longer operating. Of all the auxiliary services, the only programs encountering no difficulty with this requirement were parent involvement programs.

Based on their interpretation of the legislation, OE repeatedly has maintained that "Title I of the Elementary and Secondary Education Act is an educational, not a welfare, program";[4] and, in its administration of the Title I program, OE has encouraged States to emphasize instructional programs. Virtually all districts are aware of this emphasis through their state Title I offices; only one district reported that its State encouraged, and indeed required, the provision of a broad range of auxiliary services.

States vary considerably in their interpretation of the Federal emphasis and have made different rules, formally and informally, that guide the districts in their program planning. Many respondents in the case study districts cited state emphasis on basic skills as the reason they limited their auxiliary services. Some state officials apparently assert that auxiliary services such as health or testing services are local or state responsibilities and therefore should not be funded through Title I, which in their view ought to provide instructional services.

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[4] Program Guide 60A, issued September 15, 1970, redesignated Program Instruction A710.1A. See also Title I ESEA: How It Works--A Guide For Parents and Parent Advisory Councils (OE-73-07104).

Financial Pressures

Respondents cited financial pressure as a principal factor in their decisions concerning which services to provide. Auxiliary services are usually considered to be a lower priority than instructional services and are nearly always cut back before reductions are made in the instructional program. In several cases, the total Title I budget had been reduced, or demands for Title I instruction had grown faster than the amount of money available, and some auxiliary services, therefore, were eliminated.

Program Evaluations

The evaluation of earlier programs influences the design of a Title I program at the local level. Most districts described their evaluations of auxiliary services as subjective or based on the opinions of various groups, such as parents, teachers, or principals. Many districts mentioned how difficult it is to measure quantitatively the effects of auxiliary services. One district mentioned transferring auxiliary services to state compensatory education programs, where evaluation requirements are less stringent.

Although evaluations of auxiliary services are difficult, some districts not only require quantitative assessments of services delivered, but also require evidence of their educational impact. One district evaluated auxiliary programs on the basis of achievement tests; it found that its speech therapy program was linked to increased scores on a language ability achievement test, and the program continued to be funded. It was difficult, however, to show such a link between the social work program and achievement scores, and that program was dropped. In another district a program consisting of reading and associated auxiliary services was discontinued because it did not produce a measurable improvement in the students' reading performance.

Even when districts used somewhat less quantitative criteria, some districts stopped programs when informal evaluations indicated they were not working as well as expected. In one district, for example, principals did not think that the attendance aides were improving attendance rates sufficiently; this program was discontinued.

In sum, the districts in the case studies generally found it difficult to quantify the effects of their support services on students; as a result auxiliary services were not provided or not continued in some places.

DISTRICT VIEWS

Most respondents in these studies were satisfied with their districts' decisions about the provision of auxiliary services. Although some districts expressed varying degrees of dissatisfaction when required to reduce their auxiliary services, the great majority indicated that even if they were to receive sizable increases in their Title I grant, they would not give first priority to expanding auxiliary services. All case study districts emphasized the priority of instructional goals in their programs, and most would stress improving or expanding their Title I instructional programs. The exceptions to this are districts that would reinstate auxiliary components lost in earlier budget squeezes and districts that would increase programs aimed at parent involvement or home/school relations.

Even case study respondents from districts providing no or very few auxiliary services believed this to be the best course of action, given their situation. Either they believed the other services available in the school and community to be sufficient, or they believed that schools should fulfill instructional goals before beginning to provide any auxiliary services. Some expressed the opinion that the responsibilities for such programs ought to be borne by state or local government.

Although most respondents were reasonably satisfied with the design and implementation of the auxiliary service program in the districts, several reported some dissatisfaction that low-achieving children who did not attend a Title I school were not eligible to receive special auxiliary services. This perceived lack of fairness has been a source of dissatisfaction with Title I in some communities, according to the respondents.

It appears that the types of auxiliary service most likely to be maintained as part of the Title I program are those that involve parents of Title I children. In addition to specific parent involvement services, many other programs (health, guidance, social work, and even one library program) have important parent components in them that emphasize parent education and home/school cooperation, on the assumption that such emphasis will help improve the children's educational performance.

APPENDIX A. SECTIONS 821 AND 150 OF PUBLIC LAW 93-380

Public Law 93-380
93rd Congress, H. R. 69
August 21, 1974

An Act

To extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Amendments of 1974".

* * * * *

Part B—Educational Studies and Surveys

STUDY OF PURPOSES AND EFFECTIVENESS OF COMPENSATORY EDUCATION PROGRAMS

Sec. 821. (a) In addition to the other authorities, responsibilities and duties conferred upon the National Institute of Education (hereinafter referred to as the "Institute") by section 405 of the General Education Provisions Act and notwithstanding the second sentence of subsection (b)(1) of such section 405, the Institute shall undertake a thorough evaluation and study of compensatory education programs, including such programs conducted by States and such programs conducted under title I of the Elementary and Secondary Education Act of 1965. Such study shall include—

(1) an examination of the fundamental purposes of such programs, and the effectiveness of such programs in attaining such purposes;

(2) an analysis of means to identify accurately the children who have the greatest need for such programs, in keeping with the fundamental purposes thereof;

(3) an analysis of the effectiveness of methods and procedures for meeting the educational needs of children, including the use of individualized written educational plans for children, and programs for training the teachers of children;

(4) an exploration of alternative methods, including the use of procedures to assess educational disadvantage, for distributing funds under such programs to States, to State educational agencies, and to local educational agencies in an equitable and efficient manner, which will accurately reflect current conditions and insure that such funds reach the areas of greatest current need and are effectively used for such areas;

(5) not more than 20 experimental programs, which shall be reasonably geographically representative, to be administered by the Institute, in cases where the Institute determines that such experimental programs are necessary to carry out the purposes of clauses (1) through (4), and the Commissioner of Education is authorized, notwithstanding any provision of title I of the Elementary and Secondary Education Act of 1965, at the request of the Institute, to approve the use of grants which educational agencies are eligible to receive under such title I (in cases where the agency eligible for such grant agrees to such use) in order to carry out such experimental programs; and

(6) findings and recommendations, including recommendations for changes in such title I or for new legislation, with respect to the matters studied under clauses (1) through (5).

(b) The National Advisory Council on the Education of Disadvantaged Children shall advise the Institute with respect to the design and execution of such study. The Commissioner of Education shall obtain and transmit to the Institute such information as it shall request with respect to programs carried on under title I of the Act.

(c) The Institute shall make an interim report to the President and to the Congress not later than December 31, 1976, and shall make a final report thereon no later than nine months after the date of submission of such interim report, on the result of its study conducted under this section. Any other provision of law, rule, or regulation to the contrary notwithstanding, such reports shall not be submitted to any review outside of the Institute before their transmittal to the Congress, but the President and the Commissioner of Education may make to the Congress such recommendations with respect to the contents of the reports as each may deem appropriate.

(d) Sums made available pursuant to section 151(1) of the Elementary and Secondary Education Act of 1965 shall be available to carry out the provisions of this section.

(e)(1) The Institute shall submit to the Congress, within one hundred and twenty days after the date of the enactment of this Act, a plan for its study to be conducted under this section. The Institute shall have such plan delivered to both Houses on the same day and to each House while it is in session. The Institute shall not commence such study until the first day after the close of the first period of thirty calendar days of continuous session of Congress after the date of the delivery of such plan to the Congress.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

* * * * *

"ALLOCATION OF FUNDS WITHIN THE SCHOOL DISTRICT OF A LOCAL EDUCATIONAL AGENCY

"Sec. 150. (a) For any fiscal year not more than 20 local educational agencies selected for the purpose of section 821(a)(5) of the Education Amendments of 1974 may elect, with the approval of the districtwide parent advisory council which is required to be established under section 141(a)(14) of this title, to allocate funds received from payments under this title on the basis of a method or combination of methods other than the method provided under section 141(a)(1)(A). Any method selected pursuant to this section shall be so designed and administered as to be free from racial or cultural discrimination.

"(b) Any local educational agency to which this section applies shall submit such reports to the Director of the National Institute of Education at such time and in such manner as the Director may reasonably require to carry out his responsibilities under section 821(a)(5) of the Education Amendments of 1974.

APPENDIX B. COMPENSATORY EDUCATION INSTRUCTION—TIME AND TEACHERS

TABLE B-1

PERCENT OF AVAILABLE INSTRUCTIONAL TIME DEVOTED TO COMPENSATORY EDUCATION BY CE STUDENTS IN GRADES K-8

Grade	Percent of Time
K	18.28
1	21.50
2	22.23
3	21.82
4	25.05
5	23.27
6	20.81
7	16.02
8	16.20

TABLE B-2

COMPENSATORY SUBJECTS TAUGHT BY CE TEACHERS

	Percent of CE Teachers*	Standard Error
Remedial reading	43.82	2.60
Mathematics	31.87	3.88
Language arts/communication skills	30.32	4.06
Preschool/kindergarten readiness activities	16.96	2.13
General enrichment	14.31	2.46
Follow Through program	9.32	2.16
Special education/learning disabilities	8.76	2.39
Social/cultural studies	5.91	1.37
Health and/or nutrition instruction	5.27	1.47
Music/art	4.94	1.35
Science	3.70	1.14
English as a second language	2.76	0.77
Special instructional program for dropouts	0.65	0.44
Industrial arts/home economics	0.23	0.10
Other	3.24	0.65

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*Percentages do not sum to 100 because compensatory education teachers may teach more than one subject.

TABLE B-3

PERCENT OF CE STUDENTS MISSING INSTRUCTION, BY SUBJECT, DURING PARTICIPATION IN COMPENSATORY INSTRUCTION

	Reading	Language Arts	Mathematics
Reading	11.4	5.6	3.0
Language arts/communication skills	10.5	10.0	6.6
Mathematics	5.9	7.1	9.0
Social studies	15.9	8.4	10.0
Science	13.9	11.8	10.6
Music	5.8	9.1	7.3
Art	6.8	9.5	7.3
Industrial art/home economics	2.6	5.6	4.6
Physical education	4.7	3.9	4.1
Study time	15.8	12.1	10.2
Other	9.7	7.1	6.0
No subjects missed	42.8	54.9	54.1

TABLE B-4

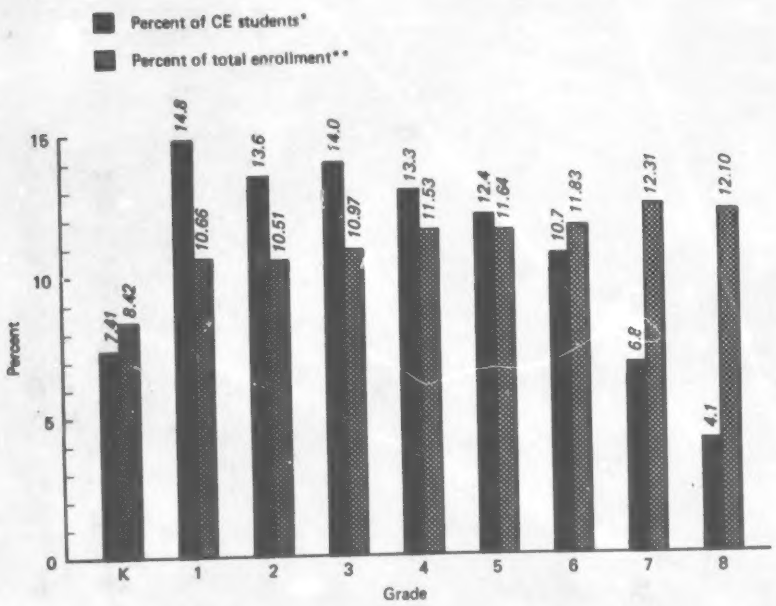
QUALIFICATIONS OF CLASSROOM TEACHERS IN THE DEMONSTRATION DISTRICTS

		Level of Education		Employment Status	
District	Years of Teaching Experience (Mean)	Bachelor's or Less (Percent)	Master's or More (Percent)	Full Time Tenured (Percent)	Full Time Nontenured (Percent)
1	9.5	3.2	14.5	69.4	27.4
2	13.3	7.2	20.3	84.5	5.6
3	11.0	18.2	16.4	74.1	22.2
4	10.6	13.0	48.7	80.9	4.9
5	12.8	41.4	13.2	80.5	18.3
6	8.9	21.6	20.3	70.3	29.7
7	13.6	33.9	31.6	83.4	14.7
8	13.3	1.1	60.9	83.9	14.9
9	11.5	18.8	15.2	79.5	16.1
10	13.9	6.9	27.8	81.9	16.7
11	13.7	40.6	22.8	85.7	10.3
12	10.5	8.6	58.5	87.1	11.4
Median	12.2	15.6	21.6	81.4	15.5

TABLE B-5

QUALIFICATIONS OF INSTRUCTIONAL SPECIALISTS IN THE DEMONSTRATION DISTRICTS

District	Years of Teaching Experience (Mean)	Level of Education		Employment Status	
		Bachelor's or Less (Percent)	Master's or More (Percent)	Full Time Tenured (Percent)	Full Time Nontenured (Percent)
1	12.1	0.0	50.0	62.5	37.5
2	17.8	0.0	81.8	100.0	0.0
3	7.6	28.6	28.6	57.1	42.9
4	10.7	14.5	55.9	86.2	3.9
5	10.8	27.3	26.6	44.4	50.8
6	10.6	5.3	36.9	63.2	36.8
7	11.0	25.8	42.3	58.3	30.4
8	10.0	0.0	78.5	100.0	0.0
9	9.1	5.6	27.8	62.5	37.5
10	11.6	0.0	100.0	40.0	60.0
11	14.4	7.4	44.4	70.4	29.6
12	13.7	0.0	93.7	100.0	0.0
Median	10.9	5.5	47.2	62.9	33.6



	K	1	2	3	4	5	6	7	8
Standard Error	1.0	1.3	.8	1.0	.7	.7	1.0	1.8	.8

*1975–1976 NIE Survey data.
**1973–1974 total enrollment from *Digest of Educational Statistics: 1974 Edition*, NCES.

FIGURE B-1. PERCENT OF CE STUDENTS AND TOTAL ENROLLMENT IN EACH GRADE, K-8

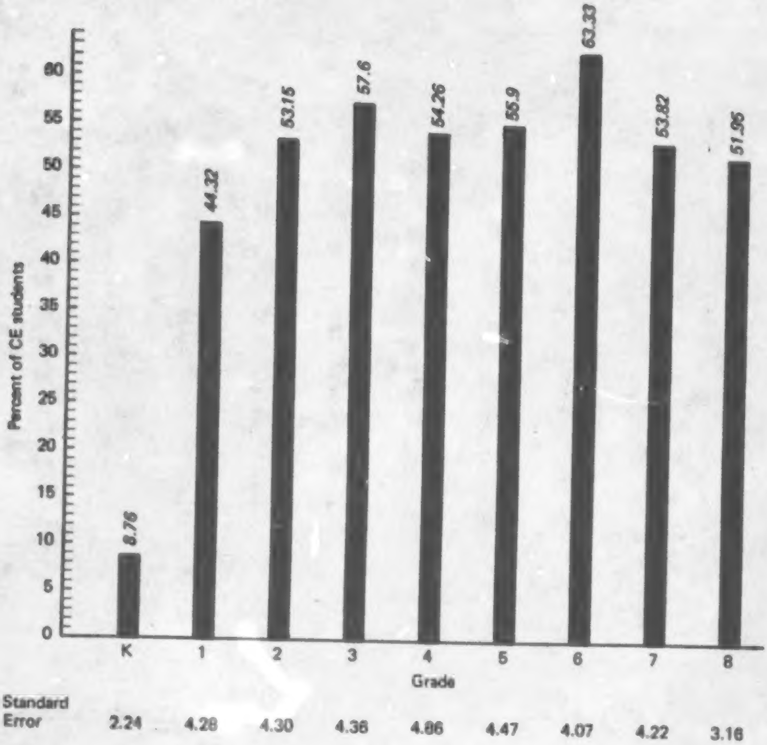


FIGURE B-2. PERCENT OF CE STUDENTS RECEIVING COMPENSATORY READING IN EACH GRADE

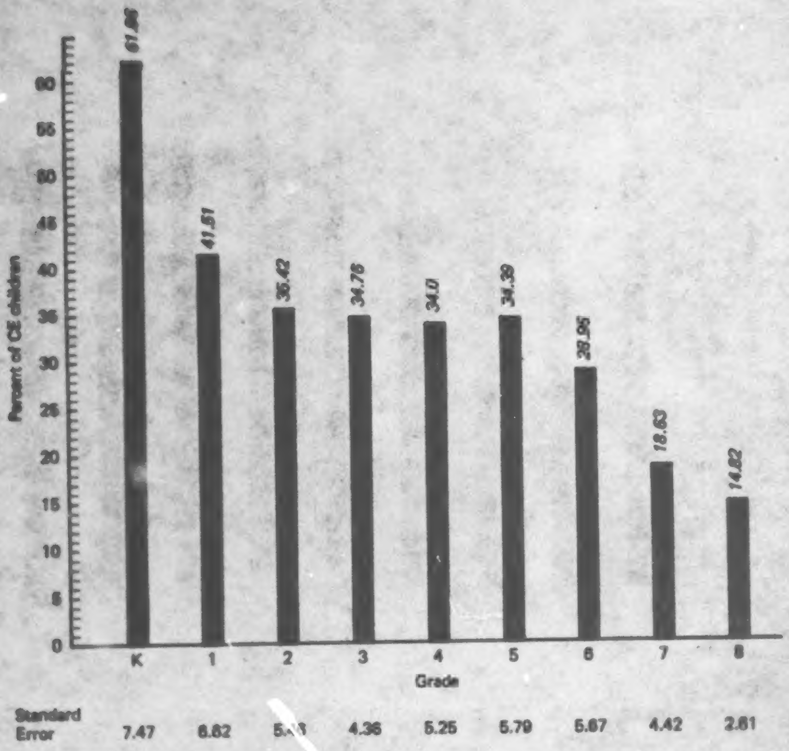
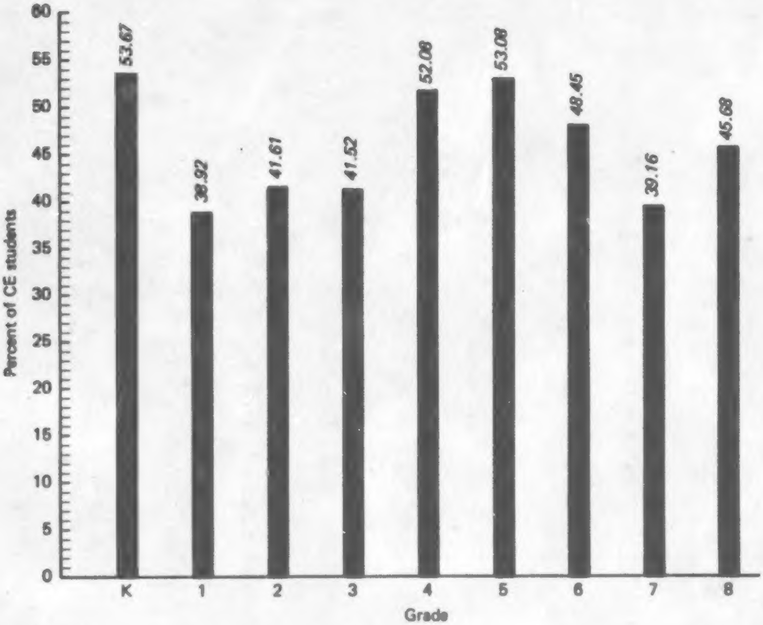


FIGURE B-3. PERCENT OF CE STUDENTS RECEIVING COMPENSATORY LANGUAGE ARTS INSTRUCTION IN EACH GRADE



Standard Error	7.65	6.42	5.01	5.15	5.65	5.33	5.39	8.25	9.89

FIGURE 8-4. PERCENT OF CE STUDENTS RECEIVING COMPENSATORY MATHEMATICS IN EACH GRADE

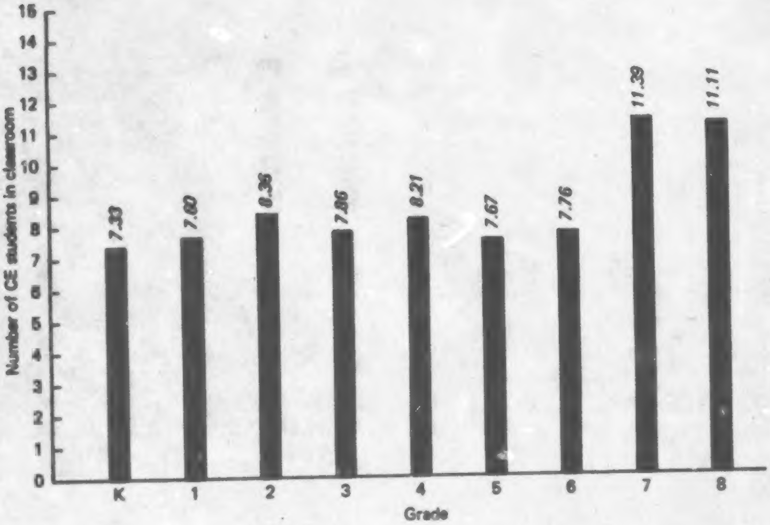


FIGURE B-5. AVERAGE CLASS SIZE FOR COMPENSATORY READING INSTRUCTION

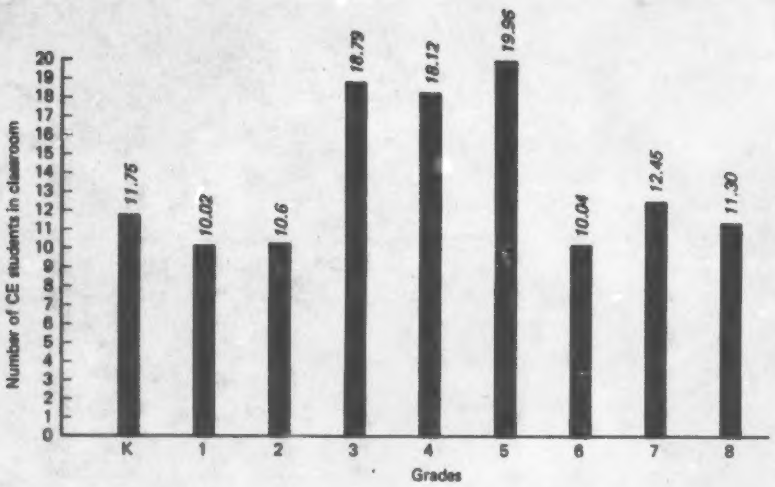


FIGURE B-6. AVERAGE CLASS SIZE FOR COMPENSATORY LANGUAGE ARTS INSTRUCTION

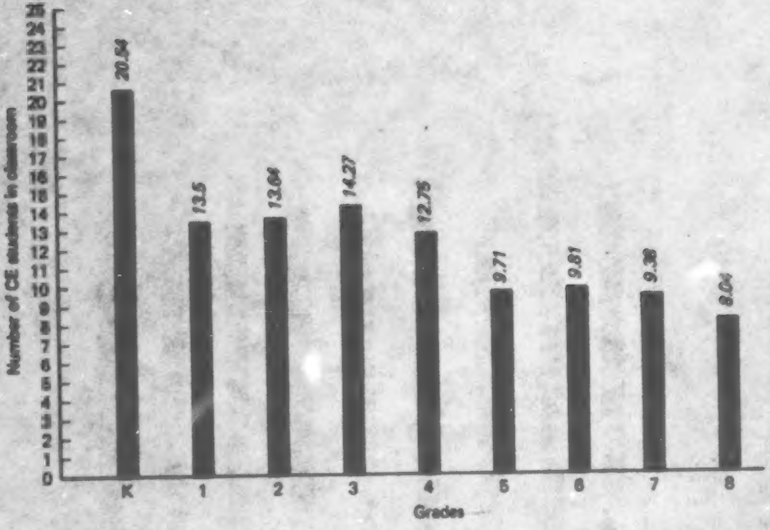
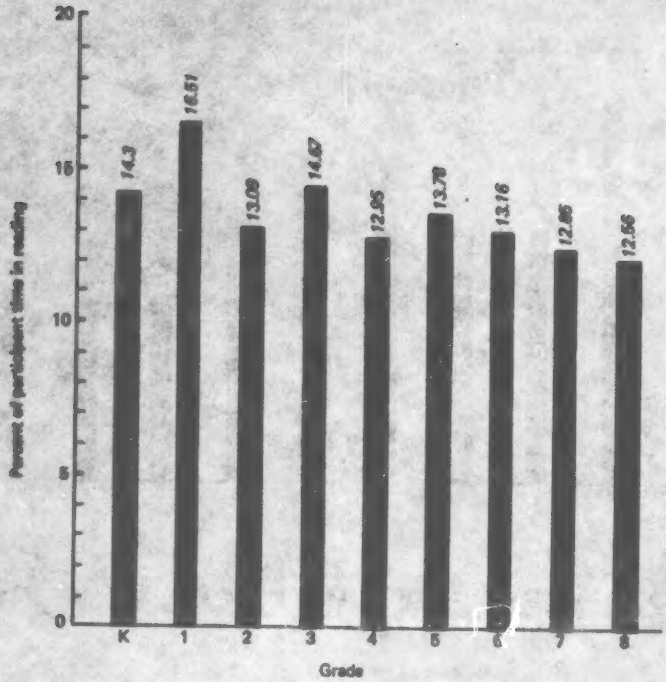


FIGURE B-7. AVERAGE CLASS SIZE FOR COMPENSATORY MATHEMATICS INSTRUCTION



Standard Error	4.67	1.53	.82	.96	.91	.70	.89	.67	.83

FIGURE B-8. PERCENT OF INSTRUCTIONAL TIME DEVOTED TO COMPENSATORY READING INSTRUCTION

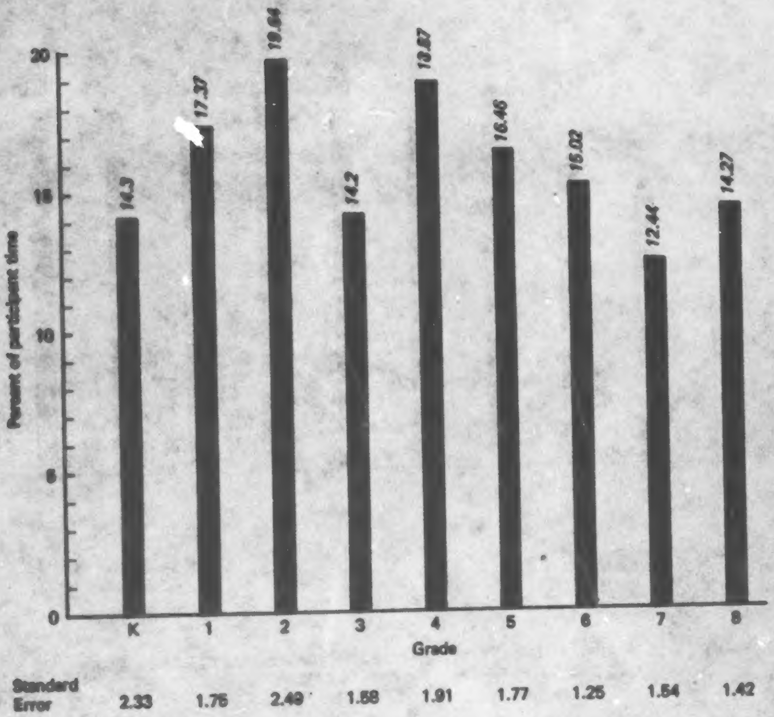


FIGURE 9-9. PERCENT OF INSTRUCTIONAL TIME DEVOTED TO COMPENSATORY LANGUAGE ARTS INSTRUCTION

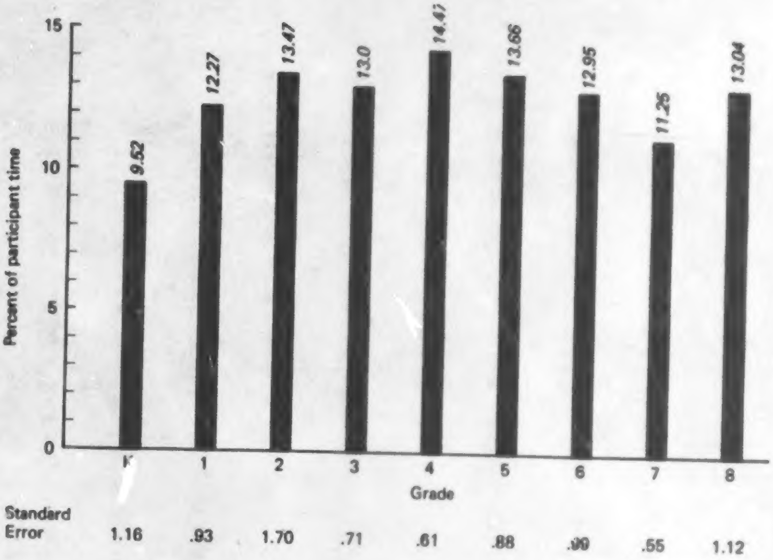


FIGURE B-10. PERCENT OF INSTRUCTIONAL TIME DEVOTED TO COMPENSATORY MATHEMATICS INSTRUCTION

APPENDIX C. EXPENDITURES AND SERVICES

The following tables present the results of regression analyses of the relationships between Title I expenditures, staffing, and service delivery. To investigate these relationships, four types of compensatory instruction were analyzed separately: remedial reading, language arts, mathematics, and other instructional areas. Because some districts offer only reading, while others offer a variety of services, the analysis presented here should be viewed as depicting average relationships. The results do not reflect the pattern for every Title I district due to differences in the way they operate. The R^2 reported in the tables represents the proportion of variance in NIE's outcome measures (for example, the number of students receiving reading instruction) that is accounted for by differences in the level of expenditures or number of staff members.

The numbers in the tables are the coefficients in the resulting regression equations and can be interpreted as the amount of change in a variable being analyzed, in this case the number of students served, that is associated with an increase in the level of expenditures or the number of staff members.

The results in Table C-1 indicate the strong relationship between Title I expenditures and the number of students served. In addition, they suggest that, for every $10,000 of total Title I expenditures, districts provide compensatory reading instruction to an average of six students. Generally, the number of students served per $10,000 of total expenditures is similar for language arts and mathematics. On the other hand, when districts offer compensatory instruction in other subject areas, they serve approximately 7.5 students for every $10,000 of Title I expenditures.

TABLE C-1

AVERAGE NUMBER OF CE STUDENTS RECEIVING COMPENSATORY INSTRUCTION, BY SUBJECT, PER $10,000 IN TITLE I EXPENDITURES

	Per $10,000	R^2
CE reading	6.1	.84
CE language arts	6.1	.80
CE mathematics	6.2	.67
CE instruction in other areas	7.5	.75

It should be stressed that these results depict average relationships and do not reflect the pattern for every Title I district. The relationship being analyzed is between total Title I spending and the number of students in particular subject areas, not between expenditures for reading and level of participation in reading. Obviously, districts offering only reading instruction might be able to serve more students for a given level of expenditures. Nevertheless, the fact that total expenditures account for 84% of the variation in reading services shows that these results do provide a good indication of the general relationship between expenditures and services.

The results in Table C-2 indicate that the number of students served for a given level of Title I expenditures is smaller for pullout programs than for compensatory instruction generally. For example, in compensatory mathematics instruction, districts generally serve an average of six students for $10,000 in total Title I expenditures, but only two students for the same amount of funds when the mathematics instruction is provided in a separate location.

TABLE C-2

AVERAGE NUMBER OF CE STUDENTS RECEIVING INSTRUCTION IN PULLOUT PROGRAMS, BY SUBJECT, PER $10,000 IN TITLE I EXPENDITURES

	Per $10,000	R^2
Pullout reading	4.0	.89
Pullout language arts	1.7	.48
Pullout mathematics	2.0	.52
Pullout in other areas	1.9	.45

EXPENDITURES AND STAFF

Table C-3 presents the results of the analysis of the relationship between Federal expenditures and staff. The results show the extent to which the number of staff hired is a function of the level of expenditures. The results also indicate that Title I and other Federal expenditures have a joint effect on the variation in the number of compensatory education teachers who are hired with bachelor's degrees plus courses or with master's degrees. In contrast, variations in Title I alone account for most of the differences among districts in the number of teachers with bachelor's degrees or less or in the number of teachers' aides who are hired. NIE's initial expenditure analyses indicate a strong joint effect of Title I and other Federal program expenditures on variations both in staff and in level of compensatory services in different instructional areas. Due to the high correlation between the distribution of Title I and other Federal expenditures, further analyses are currently underway to measure this relationship more precisely.

TABLE C-3

AVERAGE NUMBER OF CE STAFF PER $100,000 IN FEDERAL EXPENDITURES

	From Title I	From Other Federal Programs	R^2
Teachers with bachelor's degree or less	.7	0	.88
Teachers with bachelor's degree plus courses	.2	.6	.96
Teachers with master's degree or more	.3	.4	.84
Teachers' aides	.3	-.05	.87

STAFF AND SERVICES

Tables C-4 to C-9 present the complete results of regression analyses of the relationship between numbers of staff and level of compensatory services: number of students served, number of students in pullout programs, and amount of time in compensatory instruction. As previously indicated, the numbers in the tables are the coefficients in the resulting regression equations. For each subject area, positive numbers in the tables indicate that districts hiring more than the average number of staff of that type also serve more than the average number of students in that area. The zeros indicate that, on average, the number of students receiving the instruction is not related to the number of teachers of that type hired by a district. Negative numbers basically indicate that districts do not use a given type of staff in that instructional area. Thus, districts hiring that type of staff serve fewer than the average number of students in that subject area.

TABLE C-4

AVERAGE NUMBER OF CE STUDENTS RECEIVING INSTRUCTION, BY SUBJECT, PER CATEGORY OF CE STAFF

	Reading	Language Arts	Mathematics	Other Areas
CE teachers with bachelor's degree or less	-26	55	-15	0
CE teachers with bachelor's degree plus courses	40	26	60	72
CE teachers with master's degree or more	27	0	22	-21
Teachers' aides	27	-32	-66	0
R^2	.96	.94	.94	.93

TABLE C-5

AVERAGE NUMBER OF CE STUDENTS IN PULLOUT PROGRAMS, BY SUBJECT, PER CATEGORY OF CE STAFF

	Reading	Language Arts	Mathematics	Other Areas
CE teachers with bachelor's degree or less	9	28	-10	-22
CE teachers with bachelor's degree plus courses	0	0	11	36
CE teachers with master's degree or more	16	13	27	5
Teachers' aides	59	-24	-40	-46
R^2	.91	.63	.87	.85

Districts do not hire teachers on the basis of the amount of instructional time required per pupil. They do, however, have to provide so many hours of instruction per week, given a certain number of teachers. By using a summary measure of total compensatory instructional time at the district level, NIE was able to investigate the relationship between compensatory education time and district-level staff decisions. Tables C-6 through C-9 present these relationships.

TABLE C-6

AVERAGE DISTRICT COMPENSATORY INSTRUCTIONAL TIME* IN READING, PER CATEGORY OF CE STAFF

	Pullout Reading	Mainstream Reading
CE teachers with bachelor's degree or less	1.7	-7.4
CE teachers with bachelor's degree plus courses	0	8.0
CE teachers with master's degree or more	1.8	1.8
Teachers' aides	7.4	-6.5
R^2	.91	.86

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*The measure of time used in these analyses was calculated at the district level to estimate the total amount of compensatory instruction time provided to compensatory education students receiving the instruction in a particular subject area. This measure, which takes into account existing differences in overall length of instructional time between districts, represents the full-time equivalent of compensatory education students per week. The following example shows how this measure was constructed. A school has 100 students in its compensatory reading program, and each student receives this instruction for 5 hours a week, which is 20% of the total instructional time available. At the district level, this time is equivalent to providing 20 students with instruction for the entire week (100 x .20).

TABLE C-7

AVERAGE DISTRICT COMPENSATORY INSTRUCTIONAL TIME IN LANGUAGE ARTS, PER CATEGORY OF CE STAFF

	Pullout Language Arts	Mainstream Language Arts
CE teachers with bachelor's degree or less	5.3	10.8
CE teachers with bachelor's degree plus courses	0	6.5
CE teachers with master's degree or more	1.6	-3.7
Teachers' aides	-4.6	0
R^2	.68	.93

TABLE C-8

AVERAGE DISTRICT COMPENSATORY INSTRUCTIONAL TIME IN MATHEMATICS, PER CATEGORY OF CE STAFF

	Pullout Mathematics	Mainstream Mathematics
CE teachers with bachelor's degree or less	0	0
CE teachers with bachelor's degree plus courses	7.9	6.7
CE teachers with master's degree or more	3.1	-1.0
Teachers' aides	-3.3	-2.7
R^2	.83	.95

TABLE C-9

AVERAGE DISTRICT COMPENSATORY INSTRUCTIONAL TIME IN OTHER SUBJECT AREAS, PER CATEGORY OF CE STAFF

	Pullout in Other Areas	Mainstream in Other Areas
CE teachers with bachelor's degree or less	-2.3	7.3
CE teachers with bachelor's degree plus courses	4.2	11.0
CE teachers with master's degree or more	0	-5.0
Teachers' aides	-4.3	0
R^2	.84	.92

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Appendix 4

The Effects of Services on Student Development

A Report From the
National Institute of Education

The National
Institute of
Education
U.S. Department of
Health, Education and Welfare
Washington, D.C. 20208

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
NATIONAL INSTITUTE OF EDUCATION
WASHINGTON, D.C. 20208

30 September 1977

OFFICE OF THE DIRECTOR

Honorable Thomas P. O'Neill, Jr.
Speaker of the House of Representatives
Washington, D. C. 20515

Dear Mr. Speaker:

I am pleased to transmit "The Effects of Services on Student Development" one of six reports on compensatory education which the National Institute of Education (NIE) is publishing in the Summer of 1977 in response to a mandate contained in the Elementary and Secondary Education Amendments (ESEA) of 1974. The mandate called for a three-year study of ESEA Title I and state compensatory education programs. The purpose of this report is to describe the effects of compensatory education services on the development of low-achieving children and to examine the relationship between specific program characteristics and student achievement.

The other reports in the series include: (1) a description of the compensatory services provided by a cross-section of the 14,000 school districts which receive Title I funds; (2) an assessment of the present system for allocating Title I funds; (3) an analysis of the feasibility of using achievement test scores to allocate Title I funds to states and school districts; (4) the results of demonstration projects in 13 school districts which are using new methods, featuring student achievement data, to allocate Title I funds among schools and students; and (5) an assessment of the contribution which Federal and state administration make to the proper targeting of Title I funds and the delivery of effective services to children.

The staff of NIE's Compensatory Education Division has planned and managed the 35 research projects that make up the study and is responsible for writing the reports. In carrying out the research, the Compensatory Education Division had the assistance of nearly three dozen individuals and organizations chosen for their experience and knowledge in several fields. In addition, the study has benefited greatly from the advice and assistance of many of the nation's leading educators and government officials.

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We look forward to your response to this document in order to make subsequent reports as useful as possible.

Sincerely,

Patricia Albjerg Graham

Patricia Albjerg Graham
Director

Enclosure

THE EFFECTS OF SERVICES ON STUDENT DEVELOPMENT

September 30, 1977

The National Institute of Education
U.S. Department of Health, Education, and Welfare
Washington, D.C. 20208

PREFACE

The Compensatory Education Study on which this report is based was requested by Congress in the 1974 Elementary and Secondary Education Amendments. The 1974 Amendments emphasize the direct responsibility of the National Institute of Education (NIE) to the Congress. The study began in February 1975 only after Congress had reviewed an official research plan submitted by NIE; it was funded with $15 million specially set aside from the Title I program appropriation. Results of the study will be reported directly to the President and to Congress.

This direct responsibility to Congress led NIE to ensure that the study could be planned and integrated within the Institute. A special staff was established to conduct the study, and it was placed in NIE's Educational Equity Group. That staff has planned and closely managed the research on which this report is based and the 35 research projects that make up the whole Compensatory Education Study.

This report was written by Joy Frechtling from data analyzed by herself and the staffs of Kirschner Associates, Education Turnkey Systems, and the Learning Research and Development Center. Special recognition is due to Peirce Hammond who helped in both writing the report and supervising the research on which the analyses are based. The report also reflects the work of Marjorie Kulash, Iris Rotberg, and Paul Hill who contributed to its integration and clarity, and Catherine Blacknall, who assisted in typing this report. Gaea Leinhardt and William Cooley of the Learning Research and Development Center, Hugh Poynor of Kirschner Associates, and Jack Sweeney of Education Turnkey Systems conducted the research. Finally, Albert Beaton of the Educational Testing Service provided useful comments on the statistical analyses and interpretations.

The work of several other people outside NIE is reflected in this report. Chairman Owen Peagler of the National Advisory Council on the Education of

Disadvantaged Children and the members and staff were generous with their time in advising on the execution of the study, as were a great number of educational agencies and associations at the Federal, state, and local levels. The staff of the U.S. Office of Education's Division for the Education of the Disadvantaged has been unfailingly open and helpful throughout the study.

Members of the NIE staff too numerous to mention have offered expert advice on research and helped select contractors. Special thanks are due Vera Brown and Tom Sticht for their suggestions and contributions to the study and to this report.

Paul Hill, Director
NIE Compensatory Education Study

Iris Rotberg, Associate Director
NIE Compensatory Education Study

SUMMARY

This report presents the results of the National Institute of Education (NIE) study of the effectiveness of reading and mathematics instruction provided to compensatory education students. The purpose of the study was to examine the effects of selected characteristics of these programs on student achievement. Its findings concern the relative effectiveness of pullout and mainstream instruction, the effectiveness of individualized instruction, and the importance of the content and intensity of instruction.

The programs examined were selected to exemplify certain instructional techniques. They were not special models or demonstrations, and were already operating in school districts. NIE included only programs whose characteristics would be stable during the school year. Thus, these classrooms may have been more stable than is typical of compensatory education programs.

In general, the study's results were positive about the effectiveness of compensatory instructional programs. First graders in the sample made average gains of 12 months in reading and 11 months in mathematics in the 7-month period between fall and spring testing. Third graders gained 8 months in reading and 12 months in mathematics. Other measures, such as percentile gains, were similarly positive. The gains observed in the sample exceed those reported in the most encouraging recent evaluations of compensatory instruction.

Students in the first grade gained most when they received compensatory instruction in their regular classrooms. The results for third graders were mixed. Their greatest gains in mathematics achievement occurred in pullout settings, separate from their regular classrooms, but their gains in reading were equal in both pullout and regular classroom programs.

These findings are important, given the predominant use of pullout instruction for compensatory education. According to the NIE National Survey of Compensatory

Education (NIE, 1977), in first grade, pullout instruction is provided to 64% of compensatory education students in reading and to 28% in mathematics. The results indicate the need for a careful review of the benefits and disadvantages of pullout instruction in the first grade.

Students in individualized instruction programs made substantial gains in achievement. In general, however, their gains were no higher than for students in less individualized classrooms. Thus, individualization, at least as defined for this study, is effective but not uniquely so. A more detailed analysis will be necessary to determine whether the concept of individualization should be redefined for further research, or whether some concept other than individualization is more promising.

Students' gains were clearly related to the content and intensity of instruction they received. When instruction emphasized the exact skills on which achievement gains were measured, students' gains were especially large. The amount of time spent in instruction was particularly important for students in pullout programs.

THE NIE COMPENSATORY EDUCATION STUDY

REQUEST FOR THE STUDY

The Education Amendments of 1974 (Public Law 93-380), the major education legislation of the 93d Congress, extended and changed the Elementary and Secondary Education Act (ESEA) of 1965 and extended other Federal education programs, including the Education of the Handicapped Act and the Adult Education Act, as well as the impact aid, Indian education, and emergency school aid programs.

The law also directed various Federal agencies to conduct studies and surveys so Congress might have the benefit of more up-to-date and accurate information during its future consideration of legislation to assist elementary and secondary education. Among these directives is Section 821 of the Education Amendments, which instructs the National Institute of Education (NIE) to conduct a study of compensatory education, including compensatory programs financed by States and those funded under authority of ESEA Title I.

Compensatory education includes a number of Federal and state programs in addition to ESEA Title I. The relative size, scope, and long history of Title I mark it as the most important of the compensatory education programs. To ensure adequate depth and scope for the study, NIE chose to focus most of its attention on Title I. In 1977, that title, the largest Federal education effort at the elementary and secondary level, provided over $2 billion, most of which was used to improve educational programs for low-achieving students in school districts serving children from low-income families.

Specifically, Section 821 instructs the Institute to conduct a study incorporating:

- An examination of the fundamental purposes and effectiveness of compensatory education programs

- An analysis of the ways of identifying children in greatest need of compensatory education

- An exploration of alternative ways of meeting these children's needs, including the use of written educational plans

- An examination of the feasibility, cost, and consequences of alternative ways of distributing Federal compensatory education funds

- Not more than 20 experimental programs to examine the issues above

The relevant sections of the 1974 statute authorizing the study are reproduced in Appendix A.

Section 821 also directs the Presidentially appointed National Advisory Council on the Education of Disadvantaged Children to advise the Institute on the design and execution of the study.

Finally, the law, as amended by Public Law 94-482, requires NIE to submit interim reports to the President and Congress on December 31, 1976, and on September 30, 1977, and to submit a final report in September 1978.

LEGISLATIVE BACKGROUND

The breadth of the examination of compensatory education requested of NIE, ranging from the allocation of funds to specific instructional approaches, reflects a number of concerns that figured prominently during the 1974 Congressional consideration of the extension of ESEA Title I. Among the concerns at issue were:

- The effects of altering the definition of poverty used in the Title I allocation formula

- The feasibility of using measures of student achievement rather than numbers of low-income children in the formula

- The possibility of requiring individualized programs of instruction for each student participating in a Title I program

- The merits of requiring school districts to spend as much as 85% of their Title I grants on basic skills instruction in reading and mathematics

- The relatively narrow focus of most prior efforts to evaluate the effectiveness of Title I

RESEARCH STRATEGY

Like the provisions that authorized the study, therefore, NIE's evaluation adopted a wide focus during its examination of compensatory education. Essentially, the Institute has interpreted the provisions of Section 821 as constituting two major requests from Congress. The first requires an assessment of the effectiveness of compensatory education programs in meeting their fundamental purposes; the second requires an examination of several alternatives that might improve the effectiveness of compensatory education programs.

In response to these requests, NIE developed a strategy designed to produce a complete understanding of how the Title I program operates in practice as well as how it might change if any of several alternatives were adopted. The strategy involved examination of four major areas:

- Funds allocation

- Service delivery

- Student development

- Program administration

The study defined the first three of these areas as the "fundamental purposes" of Title I. The fourth was examined to determine both how the administrative structure required to implement such a large education program promotes achievement of program purposes and how administration might be improved.

FUNDAMENTAL PURPOSES

To examine the fundamental purposes of compensatory education programs, the broad philosophical concerns that might have motivated the program's originators must be distinguished from the more concrete operational purposes that are built into the program.

The originators of compensatory education efforts, such as Title I, may have had in mind some very general objectives, including helping to eliminate poverty, contributing to the redistribution of wealth and opportunity, reforming education, and symbolizing society's commitment to helping the disadvantaged. Although it is possible to speculate about what their motivations might have been, the debates, statutes, and official legislative reports that established the program contain a specific set of fundamental purposes, which were described in some detail in the Institute's December 1976 publication, Evaluating Compensatory Education: An Interim Report on the NIE Compensatory Education Study. These purposes, clearly discernible in the statute and accompanying formal Congressional statements, are:

(1) To provide financial assistance to school districts in relation to their numbers of low-income children and, within those districts, to the schools with the greatest numbers of low-income students

(2) To fund special services for low-achieving children in the poorest schools

(3) To contribute to the cognitive, emotional, social, or physical development of participating students

These goals of Title I are consistent with one another, but each is not equally important to all Members of Congress. Congressional debates, and even the language of different parts of committee and conference reports, suggest that Members of Congress differ about the relative importance of respective purposes. Some Congressional statements imply that the purposes form a hierarchy in which Title I delivers funds and provides services only to increase children's academic achievement (making the third the most important). Other statements, however, make it clear that allocation of funds and delivery of services are important ends in themselves and might, in fact, define the practical limits of Federal action to promote the development of children.

STRATEGY FOR ASSESSING COMPENSATORY EDUCATION

Evaluation of Title I must start from the recognition that the program has several goals, and to focus exclusively on one improperly ignores the others. Evaluation must also acknowledge that Title I operates through the Federal system and that state and local governments determine what it will be in practice. Although there is only one Federal Title I program (i.e., only one basic framework of laws and policies), it operates differently in every State, in 14,000 school districts, and in countless classrooms. Thus, to understand and evaluate Title I it is necessary to consider the ways in which Federal policy interacts with the actions of States and local educational agencies (LEAs) that actually implement the program.

Early national evaluations of Title I considered only the third goal—contributing to children's development—and often rendered judgments on the efficacy of the program without accounting for the diverse ways in which LEAs had implemented it. Those evaluations overlooked some important truths about Title I: it has several objectives, and under it LEAs deliver a range of services with a variety of aims and emphases to a diverse set of beneficiaries. In contrast to earlier evaluations, therefore, NIE's strategy is designed to (1) provide clear information about what Title I is accomplishing toward achievement of each fundamental purpose and (2) examine the implications of alternative ways of organizing the efforts of the Federal, state, and local governments to achieve these purposes.

THE REPORT

This volume is one of several intended to comply with the statutory requirement that a second interim report be completed not later than September 30, 1977. It presents NIE's findings on the effects of compensatory education programs and its student development. The report describes how the NIE Compensatory Education Study formulated the research issues, describes the Instructional Dimension Study, NIE's major effort in the student development area, and reports findings and conclusions on the effects of services on children.

Five additional reports are being published on the following topics:

- The effects of using counts of low-income children in allocating funds
- The feasibility, costs, and consequences of using counts of low-achieving children in allocating Title I funds to school districts
- The effects of using student achievement to allocate funds within school districts
- Administration of compensatory education
- The services provided by Title I and other compensatory education programs

CHAPTER I. INTRODUCTION

This report addresses one of Title I's fundamental purposes--to contribute to children's overall development. It presents the findings from the National Institute of Education's (NIE) major research in this area, the Instructional Dimensions Study (IDS).

The IDS examines the relationship between selected program characteristics--instructional setting, time, content, and individualized instructional practices--and program effectiveness. Specifically, it assesses the effects of these program characteristics on the reading and mathematics achievement of low-achieving students in the early elementary grades. The major goal of the research is to provide information on classroom processes that effectively promote learning.

NIE's approach in this research has been to study a sample of compensatory programs specially selected to include certain instructional characteristics rather than to provide a summary national evaluation of the overall effects of Title I on children's development. This approach was selected because review of summary evaluations reveals that studies attempting to show an overall Title I effect have been of limited usefulness (McLaughlin, 1977). Both conceptual and methodological problems have hampered attempts to evaluate overall program impact, and the most informative data on why programs work come from studies that are sharper and more limited.

Summary national evaluations have had several major weaknesses. First, Title I funds a variety of different instructional and support services. Early evaluations were designed as if Title I-funded services were uniform across districts and could be properly assessed using student achievement as the principal measure of effectiveness. However, this assumption collides with an important truth about Title I: it has always provided not one service, but many. For example, according to the NIE National Survey of Compensatory Education (NIE, 1977), Title I pays for food, counseling, and health programs for students. These uses of Title I funds might, in the long run, enhance achievement. Nevertheless, immediate gains in achievement through such expenditures are unlikely, and the use of achievement tests to measure the short-term impact of such programs is inappropriate.

Second, even within an instructional area such as reading or mathematics, important program differences exist, and summary evaluations designed to assess their average effects on achievement mask the variations in effectiveness that exist across different programs. The application of a summary measure across different types of reading and mathematics programs will often show no significant increases in overall achievement or only small average benefits, even if particular programs or aspects of programs are producing superior results (Horst, 1977; Mayeske,1976).

Third, due to limitations in available measurement instruments, measurements of growth in all areas of student development have not been possible. Although Title I funds programs intended to improve not only achievement but also the emotional and social growth of participating students, definitions of such growth are not generally accepted and broadly applicable. Measures of nonachievement outcomes have been correspondingly unsatisfactory, and no summary evaluation has been able to assess program impact adequately in these areas. This problem has not been solved. Generally accepted measures for assessing outcomes remain available only in the area of cognitive development; even in that area, some important abilities, such as creativity and independent thinking, cannot be measured adequately. Achievement outcomes, particularly in reading and mathematics, remain the only area in which adequately tested standardized measures are available for formal research. Impact in other areas, such as attitudes, can be assessed only in an exploratory fashion. Evaluations of the impact of Title I services on children are, therefore, largely limited to evaluation of the impact of selected instructional services on achievement.[1]

These factors--heterogeneity of services, heterogeneity of programs within an instructional area, and measurement limitations--led NIE to reject the strategy of conducting a summary national evaluation of Title I-funded services and, instead, to develop a research study intended to provide detailed information on the relationship between selected program characteristics and student performance in reading and mathematics. This report presents the results of preliminary analyses of these data.

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[1] Because, however, there is considerable interest in attitudinal outcomes, NIE did administer the Survey of School Attitudes to students participating in the present study. As summarized in Chapter IV, the data obtained were not particularly informative because the test did not discriminate well among respondents.

CHAPTER II. THE INSTRUCTIONAL DIMENSIONS STUDY

The IDS was designed to examine the relationship between achievement and variations in program characteristics. The study focuses on selected reading and mathematics instructional programs delivered to first- and third-grade students and addresses the following research questions:

- Is compensatory instruction more effective in pullout or in mainstream settings?

- Do differences in classroom processes relate to student achievement? In particular, are variations in individualization and in time spent in instruction associated with variations in achievement?

The rationale for examining these questions is discussed below.

INSTRUCTIONAL SETTING

Instructional setting is a major focus of the IDS. The study examines the impact of instructional setting on program effectiveness and assesses the influence of pullout and mainstream instruction on student achievement.[1]

Compensatory services can be delivered to students in a variety of instructional settings--the regular classroom, a separate laboratory or classroom, or even a separate building. Data from the NIE nationally representative survey of Title I school districts (NIE, 1977) indicate that pullout instruction is the predominant means for delivering supplementary services to compensatory education students. Of those students receiving compensatory instruction in mathematics, language arts, or reading, an average of 44% to 75% receive it outside the regular classroom.

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[1] Pullout instruction is defined as supplemental instruction that is delivered to students outside the regular classroom. Mainstream instruction is supplemental instruction delivered within the regular classroom.

The Title I regulations do not require schools to deliver pullout instruction; however, they do require that Title I children receive an identifiable program. School districts often find it easier to meet these requirements by implementing separate pullout programs than by providing extra services to Title I students in the regular classroom.

There is a great deal of disagreement about the effects of the pullout practice on students. Local Title I personnel are divided on whether the practice is advantageous, and Federal policymakers have expressed concern about potential loss of services to students as a result of their being pulled from the regular classroom.

At present, the arguments over the contribution of setting are based far more on logic and practical experience than on research or evaluation data. Proponents of pullout instruction feel that the educational needs of low-achieving students can be met more effectively when a separate compensatory program is provided. They argue that teachers find it difficult to focus on the special needs of low achievers when students with a wide range of achievement levels are present in the classroom. In the pullout situation, instruction and materials can be matched more readily to the skills and needs of compensatory education students.

Proponents of mainstream instruction argue that pullout practices have some serious disadvantages. For example, early studies (e.g., Glass, 1970) suggested that the pullout approach often results in de facto segregation and tracking for regular as well as compensatory instruction. Aside from such abuses to pullout programs, however, proponents cite several advantages to mainstream instruction; they include greater ease in coordinating regular and compensatory programs, cost savings, the possibility of positive peer influences, and less risk of lowering the self-esteem of compensatory education students.

Actual comparisons of achievement gains in mainstream and pullout situations are not available. Other research, including studies of ability grouping and of the effects of peer-group composition on achievement, focuses on questions indirectly related to the pullout vs mainstream argument. This research is important as the issues examined include many of those raised in discussions of instructional setting.

Some studies suggest that ability grouping is not effective for instructing low-achieving students. On the whole, these findings refute the contention that grouping students by ability, as in pullout programs, leads to desirable outcomes in either achievement or affective development. Specifically, reviews of studies on ability grouping (Esposito, 1973; Findley and Byran, 1971; Ogletree and Ujlaki, 1971; and NEA, 1968) indicate that homogeneous ability grouping does not consistently help students achieve. Moreover, among studies showing significant effects on learning, the slight gains for high-ability students are offset by evidence of unfavorable effects on students of average and below-average ability, particularly the latter. Findings on the influence of homogeneous ability grouping on affective development are mostly unfavorable. Although the practice might build the self-esteem of children in the high-ability groups, it affects those in average and below-average ability groups unfavorably.

On the other hand, studies of peer influences do not support the claims made by proponents of mainstreaming that the socioeconomic and achievement levels of their classmates affect pupils' academic performance. The predominant finding from analyses of data files, such as Project Talent (Bowles, 1969) and the Equality of Educational Opportunity Study (Smith, 1972), is that the influence of peer-group characteristics on achievement is not strong. In a summary of research on peer-group influence, Averch (1972) concluded that evidence about the existence of such influence is not conclusive, and that it has not been possible to separate the contributions of peer influence, school resources, and student background factors. However, studies examining peer influence typically have been broad studies meant to find general national trends. In those studies, peer variables were measured at the school or district level, and the students studied were sixth graders or older. Consequently, the studies are not a convincing source of information on classroom effects in the early grades.

NIE's research was expressly designed to examine the questions that have been raised about the relative effectiveness of mainstream and pullout instruction for compensatory education students. The study assessed achievement in these two settings, under a variety of different instructional strategies.

CLASSROOM PROCESSES

A second major focus of the IDS is on determining the effects of selected classroom processes on achievement. The processes of interest fall into two broad categories--instructional time and content and individualized instructional practices.

Instructional Time and Content

Instructional time was selected for examination because considerable research has shown that increased instructional time is associated with increased learning (Cooley and Lohnes, 1976; Carroll, 1963). Most of this research looks at relationships between time and student achievement in a very general way. Instructional time has been variously defined as length of the school year, attendance rates, or length of the schoolday. The findings nonetheless indicate that increased time is associated with increased achievement (Heyns, 1975; David 1974; Wiley and Harnischfeger, 1974).

Studies comparing the effects of different amounts of instruction in specific subject areas, such as reading and mathematics, generally support the existence of a relationship between time and achievement (Guthrie et al., 1976; Stallings and Koskowitz, 1975; Begle, 1971; Broward County, 1971; Zahn, 1966; Jarvis, 1963). A recent large-scale study of innovative programs (Coles et al., 1976) found an association between time spent in reading instruction and achievement, but none for mathematics. Popp and Lieberman (1977), however, did not find any relationship between time and learning for supplemental reading instruction, although the relationship was strongly evident for regular reading instruction.

It is reasonable to expect that the amount of time students are allowed for instruction will affect what they learn. The amount of time available clearly limits what opportunities exist for instruction (and learning) to take place in the classroom. However, time alone is not enough to guarantee effective learning; obviously, how time is spent is also important. Research on instructional processes has only recently begun to specify precisely how the use of time affects learning. For example, Popp and Lieberman (1977) suggest that factors such as small group size and the opportunity for more intensive instruction moderate the effects of time per se on achievement. Summarizing a series of studies directly related to the use of time, Rosenshine (1975) suggests that time is effective only when it is used for "direct" instruction, which is structured and carefully supervised by the teacher. This conclusion is consistent with previous research on successful Title I projects. The work by Wargo et al. (1972, 1971), also indicates that directly relevant instruction and high-intensity treatment were related to achievement gains.

Research on instructional content adds an additional dimension to these findings. Based on a comparison of traditional and open classrooms, Walker and Schaffarzick (1974) suggest that school programs differ considerably in content and that what is learned is clearly a function of what is taught. Further, their analyses suggest that programs are more likely to appear successful if the content of test instruments used for evaluation matches the content of the program. Although that conclusion might seem obvious, a frequent criticism of educational program evaluations is that instructional content is not considered and that the test instruments are not appropriate indices of what has actually been taught. Critics of the recent analyses of Follow Through done by Stebbins et al. (1977), for example, suggest that the apparent superiority of some models over others might be influenced by the degree of overlap between the instructional content of these programs and the content of the outcome measures used. With this in mind, the present study includes an analysis of exactly what skills the programs are designed to teach.

INDIVIDUALIZED INSTRUCTION

The Instructional Dimensions Study also examines the effectiveness of individualized instruction. The principal concern of the study is to identify features of instructional programs that are associated with relatively high achievement gains. Individualization was chosen for study due to the attention it has received from educators and the interest shown it by Congress in its consideration of Title I in 1974. In addition, evidence from past research suggests that successful compensatory reading and mathematics programs often use individualized techniques. However, the results of these studies are not entirely consistent, and programs are not reported to be uniformly effective.

A major problem in interpreting the research results is the variety of ways in which the term "individualized instruction" has been used. Programs labeled "individualized" include teaching arrangements such as tutoring and independent study; certain instructional techniques, such as individual diagnosis and pacing; and kinds of classroom organization, such as small class size or open spaces that facilitate, but do not guarantee, individualization.

Another problem is that research on individualization has provided far more descriptive than evaluative data. Thus, although there is no shortage of literature about individualized programs, most of it is focused on describing either the nature of the programs or ways to develop them.

Evaluations of the effectiveness of individualized techniques are found in two kinds of studies: assessments of educational programs and research on teacher effectiveness. Findings are not consistent, and different studies lead to dissimilar conclusions. Support for the effectiveness of individualized techniques was found in early evaluations of successful compensatory education programs. A review of exemplary projects conducted by Wargo et al. (1972, 1971) and a more recent paper by Wargo (1977) found the following features, many of which describe structured individualized programs, to be characteristic of successful Title I projects: (1) academic objectives clearly stated; (2) individual or small group instruction; (3) directly relevant instruction; (4) high-intensity treatment; (5) active parent involvement; and (6) teacher training related to program methods. Similarly, a review of compensatory program evaluations by the U.S. Office of Education (OE) (NSPRA Report, 1973) states that successful projects often include: (1) clear written objectives; (2) attention to individual needs, including individual diagnosis and prescription; (3) flexible grouping to permit frequent individual attention; and (4) structured, sequential instruction. In addition, Popp and Lieberman (1977) also found that programs using small group or individual teaching and individual prescription based on diagnostic or criterion-referenced tests are effective in teaching reading to low achievers.

Results of other recent evaluations that have looked explicitly at programs labeled "individualized" (Schoen, 1977, 1976, 1976a; Miller, 1976, 1976a) and "innovative" (Coles et al., 1976) generally yield less positive results. In these studies, however, individualized instruction is defined in various ways, detailed descriptions of instructional practices are not available, and it is difficult to determine whether the programs being evaluated are sufficiently similar to be placed under the single label "individualized."

Some relevant findings come not from evaluations of individualized programs per se but from studies aimed primarily at identifying effective teacher behavior. These identify methods of instruction that are related to increased achievement in the early elementary grades. MacDonald (1976), Stallings and Kaskowitz (1975), Brophy and Evertson (1974), and Soar (1973) suggest that the following characteristics are associated with effective teaching: (1) instruction structured by the teacher's proceeding in small steps through the material; (2) positive feedback; (3) supervision of students' study; and (4) time actually spent on instruction. Rosenshine (1975) suggests that these characteristics comprise "direct" instruction. They are frequently included in definitions of individualized curricula that employ a structured approach to teaching.

Taken as a whole, the existing literature is hard to interpret. It is probable that differences in student populations studied as well as in characteristics of programs given the label "individualized" add considerably to the confusion.

NIE's research was designed to investigate the effectiveness of individualized techniques by examining a carefully specified set of instructional procedures. From a review of previous research a working definition of individualization was developed. It included: specific learning objectives assigned to individual children, small group or individual pacing, individual diagnosis and prescription, and alternative learning paths and sequencing for individual children.[2]

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[2] It might be possible to identify individualized programs that have characteristics other than these; the findings from the IDS might not be general to such cases.

CHAPTER III. THE STUDY PLAN

The Instructional Dimensions Study was designed specifically to provide information on the effectiveness of instructional setting, the time and content of instruction, and individualization. The plan for the study was meant to maximize NIE's ability to assess the importance of those classes of variables in student achievement. That was accomplished through selection of the study sample, methods of data collection, and the plan for organizing and analyzing data.

SELECTION OF THE STUDY SAMPLE

The sample for the IDS was selected to provide wide variations in the main instructional variables of interest. Though the classrooms selected for study could therefore not be drawn at random from all Title I classrooms, care was taken to include classrooms with a range of income levels and ethnic composition similar to the national average for Title I. The classrooms were drawn from metropolitan, urban, and rural school districts in both the North and the South. The districts varied in both geographic and demographic features; they included urban, rural, and suburban schools. The size of student population served in the districts ranged from 5,000 to 240,000 and contained from 4% to 76% minorities. Districts selected for study participation had Title I enrollments ranging from 42% to 100% of their total enrollments.

To guarantee that the classrooms selected actually included the instructional processes which the study was meant to assess, classrooms were selected through a multistage process. First, a list of candidate programs was developed through contacts with state education agencies and local education agency officials and curriculum publishers and through examination of lists of exemplary programs. Visits were then made to candidate districts and schools to observe classrooms in operation and to gather more information on classroom program characteristics. Schools and classrooms were examined for the stability, as well as the content, of their programs. To ensure that the selected classrooms would actually implement the instructional practices that they were chosen to represent, classrooms were selected only if their instructional programs had been in use for at least 1 year. Principals and teachers in charge of the selected classrooms generally had prior experience with Title I, and no major changes in the student population were expected during the school year.

This process resulted in initial selection of districts and schools in the spring of 1976. A final selection of 440 study classrooms was made in the late summer of 1976 on the basis of further information from principals and teachers and additional on-site verification. Forty classrooms were eliminated from the study during the first year of data collection.[1] Thus, the final sample consisted of 400 classrooms in 100 schools from 14 school districts.

The sampling procedures succeeded in providing a wide representation of instructional techniques, especially individualization. The study sample included classrooms that delivered instruction on one-to-one, small-group, and whole-class bases; individual sequencing and pacing was present, as was whole-class pacing; students' progress was assessed frequently in some classes and infrequently in others; and some teachers used several alternative teaching strategies while others used only one or two. Both pullout and mainstream instruction were represented. It did appear, however, that the pullout setting had a significantly greater use of many structured individualized techniques. The differences noted are quite consistent with earlier comparisons of regular and compensatory programs (NIE, 1977). Appendix B presents a summary of these comparisons.

Details on the characteristics of districts and schools participating in the total study sample ("overall sample") and the subsamples used for special analysis ("instructional process sample") are presented in Appendix C. This appendix also contains further descriptive information on these district and school demographic characteristics, on Title I services offered by the districts, and some comparisons between the IDS and the NIE National Survey of Compensatory Education study samples.

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[1] Reasons for dropping classrooms included teachers choosing to drop out of the study, teacher changes, and classrooms being eliminated because more than half the children in the class scored below chance and did not, therefore, have valid test scores.

METHODS OF DATA COLLECTION

Descriptive Data

Interviews with principals and teachers, curricular analyses, and videotapes of classroom instruction were used to gather descriptive data on instructional programs. Teachers were interviewed in both fall and spring to ensure an accurate account of the instructional practices used throughout the year. The study also gathered data on costs associated with each of the reading and mathematics programs.

Interviews provided information on instructional characteristics and on teacher background variables. The curricular analyses provided data on selected dimensions of individualization and on instructional content. The information on content was used to assess the overlap between questions included in the Comprehensive Test of Basic Skills (CTBS), the achievement test used to measure student learning, and the curricula used in each classroom. Videotapes of classroom instruction were employed to document aspects of teacher-child interactions not easily obtained through the interview format, such as frequency of individual and small group instruction.[2]

Finally, specially designed office rosters were used to link the participation of each child in regular and supplemental instruction and to document the amount of time spent in the supplementary activities.

Outcome Measures

To assess the impact of compensatory instructional services on student achievement, reading and mathematics services were selected, for a number of reasons. One factor was the virtual absence of acceptable measurement instruments outside the basic skills area. Despite continuing discussion on the best way to design tests to measure broader effects of educational programs, the only practical instruments for measuring the impact of instruction are achievement tests in reading and mathematics.

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[2] Due to cost and time constraints, not all teachers could be videotaped. Therefore, subsamples of 66% of regular classroom teachers and 80% of compensatory education teachers were included. For details on how this sample was selected see Kirschner et al. (1977).

Second, as indicated by the NIE National Survey of Compensatory Education (NIE 1977), reading and mathematics accounts for a major share of the Title I program effort. The survey data indicate that of all students receiving compensatory education, over 80% receive instruction that includes a reading component, and 44% receive mathematics instruction. No other instructional or noninstructional program is offered with comparable frequency.

Selection of the first and third grades stemmed from practical as well as theoretical concerns. Due to cost considerations, it was not possible to examine instruction across all grades served by the Title I program. The lower elementary grades were selected because it was believed that individualized instructional programs were more likely to be found at these early levels.

Grade I was selected because of the importance of assessing the effects of programs as early as possible. Grade I is a critical year for beginning reading; it is also the earliest grade level at which reasonable confidence can be placed in test results. Grade 3 was selected because it provides a basis of comparison at a grade level where instructional programs, especially in reading, involve considerably more complex learning tasks.

All children participating in regular and supplemental reading and mathematics programs in the IDS classrooms were given achievement tests in the fall and spring of the study year. Achievement was assessed using the CTBS, level B, form S for grade I, and level I, forms S (fall) and T (spring) for grade 3.[3]

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[3] Subtests used for grade I students were Letter Sounds; Word Recognition I; Reading Comprehension; Word Recognition II; Mathematics Concepts and Applications; and Mathematics Computation. Subtests used for Grade 3 were Reading Vocabulary, Reading Comprehension, Mathematics Computation, and Mathematics Concepts and Applications.

The fall tests were administered 2 to 3 weeks after the beginning of school. The spring tests were given after 27 to 29 weeks of instruction. For the final analyses, the scores of only those children present both at fall and spring testing were included.[4]

Organization and Analysis of Data

Data were organized and analyzed according to a plan adapted from an evaluation design developed by Cooley and Leinhardt (1975). It divides classroom processes into five types (or elements): opportunity, individualization, instructional events, motivational processes, and teacher background. Each of the five classroom processes is composed of a large number of discrete items of data, including teacher's responses to questionnaires and direct classroom observation. Every classroom in the analyses can be assigned a score on each of the five elements.

Once the study data are organized according to Cooley and Leinhardt's five elements, every classroom's score on each element can be correlated with the average achievement of the students in that class. Full analysis of the data involves a form of regression analysis called commonality analysis, which was used to assess the strength of association between all five elements—considered separately and in all possible combinations—and student achievement.

Details of the methods used to combine items of data into the five "classroom process dimensions" are provided in Appendix D and Kirschner et al. (1977).

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[4] It should be noted, however, that the results were very similar when test scores of all children tested in either fall or spring were also included.

CHAPTER IV. PRELIMINARY STUDY FINDINGS

This chapter presents preliminary analyses of achievement gains during the 1976-77 school year.[1] The findings to be discussed focus on (1) overall achievement gains made by compensatory education students in the study sample, (2) a comparison of these gains in pullout and mainstream settings, and (3) an analysis of the relationship between classroom processes, including individualization, and achievement.

OVERALL GAINS

Table 1 presents fall and spring achievement test scores for the compensatory education students in the overall study sample. The fall test scores indicate that these children were initially performing below grade level in each subject in both grades 1 and 3. As is frequently found in studies of student achievement, the compensatory education students in the third grade were farther behind their classmates than were compensatory education students in the first grade.

However, students in both grades made substantial gains between the fall and spring. First graders made an average gain of 12 months in reading and 11 months in mathematics during the 7-month period between fall and spring testing and improved their percentile ranks in the two subjects by 12 and 15 points, respectively. Third graders gained 8 months in reading and 12 in mathematics. Their percentile gains in the two subjects were 7 and 15 points, respectively.

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[1] Analyses of students' attitudes toward school revealed no significant changes from fall to spring. The lack of difference is in large part attributable to students' very high scores in the fall; thus there was very little room for improvement in scores. It is worth noting, however, that no group of students showed a less favorable attitude in spring than in fall.

TABLE 1

FALL AND SPRING ACHIEVEMENT TEST SCORES FOR COMPENSATORY EDUCATION CHILDREN IN THE IDS SAMPLE*

		Raw Score			Grade Equivalent			Percentile		
	n	Fall	Spring	Gain	Fall	Spring	Gain	Fall	Spring	Gain
Reading 1	1,355	23.8**	47.4	23.6	0.4	1.6	1.2	22	34	12
Mathematics 1	1,429	15.6***	27.3	11.7	0.4	1.5	1.1	22	37	15
Reading 3	1,406	19.7†	31.0	11.3	1.8	2.5	0.7	13	20	7
Mathematics 3	792	21.3††	36.7	15.4	1.7	2.8	1.1	5	20	15

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*Approximately 10% of the compensatory education students in IDS classrooms were eliminated from this analysis because their fall test scores were above the mean for all students in the sample. A separate analysis of gain scores for those students indicates that their rates of gain were similar to the ones presented here.

**Maximum possible score = 84.

***Maximum possible score = 56.

†Maximum possible score = 85.

††Maximum possible score = 98.

These gains can be compared to standards for success suggested by David and Pelavin (1977). In work done for NIE, they summarized three criteria against which to measure the achievement gains made by compensatory education students in a school year. Their first criterion is an average achievement gain of 8 months per 10-month school year--one more than the gain of 7 months found to be typical for low-achieving children who do not receive special help.[2] A more stringent criterion is an average achievement gain of 1 month per month of the school year.[3] The third is a gain of 10 percentile points. The last is the most severe criterion, because it requires students whose initial scores are far below average to improve their ranking vis-a-vis other students of their age.[4]

The gains in the IDS sample are remarkably high, given the results of earlier evaluations of Title I. They exceed even the achievement gains reported in more recent--and more encouraging--evaluations. Mayeske (1976), for example, presented results from the Educational Testing Service (ETS) Compensatory Reading Study which indicated that students receiving compensatory education maintained their percentile rankings between the fall and spring tests. Thomas and Pelavin (1976) reported gains of 1 month per month of instruction for students in compensatory reading programs in several States.

By contrast, compensatory education students in the IDS sample met David and Pelavin's first two criteria in both reading and mathematics. Moreover, they met the third, most exacting, criterion in first- and third-grade reading and in third-grade mathematics.

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[2] This criterion is based on analyses of data collected by State Educational Agencies for their own Title I evaluations.

[3] This standard has been applied by OE to evaluate Title I programs.

[4] This standard was suggested by Research Management Corporation and is employed in one of the recently adopted OE evaluation models.

The very large gains found for children in the IDS sample might be due in part to the stability and organization of classrooms selected for the study sample. In order to guarantee that student achievement results could be clearly associated with specific aspects of instruction, NIE selected classrooms for the study only if (1) teachers and principals in the participating schools generally had prior experience in Title I, (2) the instructional processes used in the classroom had been in use for at least 1 year, and (3) a specific, defined curriculum was being used in the classrooms. The classrooms participating in the study were operating in school districts and were not laboratories or demonstrations, but they probably were better organized than the average Title I classroom.

A subsample of the first- and third-grade students from the IDS will be retested in the fall of 1977 to assess the stability of the gains reported here. Some studies (David and Pelavin, 1977; Thomas and Pelavin, 1976) have found that school year gains are not maintained through the summer. Results from fall 1977 testing of the IDS sample will provide fresh evidence on the summer dropoff issue.

COMPARISON OF GAINS IN MAINSTREAM AND PULLOUT SETTINGS

To examine the relative effectiveness of different instructional settings, the achievement gains of students receiving instruction in mainstream programs were compared with those from pullout programs. Table 2 presents the comparisons.

Results differ by grade level. First-grade students who received instruction in the mainstream setting made significantly larger gains in both reading and mathematics than those in pullout settings. In the third grade, however, these findings are reversed in mathematics, and the two settings are almost equal in reading. It appears that neither setting is consistently associated with greater instructional effectiveness.

The findings that first grade mainstream programs are more effective than pullout programs calls into question the widespread use of pullout instruction in the first year of school. The NIE National Survey of Compensatory Education found that in first grade, pullout services were delivered to 64% of the CE students receiving reading and 28% of those receiving mathematics.

TABLE 2

FALL AND SPRING ACHIEVEMENT TEST SCORES FOR COMPENSATORY EDUCATION CHILDREN RECEIVING INSTRUCTION IN PULLOUT OR MAINSTREAM SETTINGS

	n	Raw Score			Grade Equivalent			Percentile		
		Fall	Spring	Gain	Fall	Spring	Gain	Fall	Spring	Gain
Reading 1										
Mainstream	311	24.3*	51.3	27.0	0.4	1.7	1.3	23	40	17
Pullout	1,044	23.6	46.3	22.7	0.4	1.6	1.2	21	32	11
Mathematics 1										
Mainstream	1,172	15.7**	27.9	12.1	0.4	1.6	1.2	23	38	15
Pullout	257	15.6	24.4	8.8	0.4	1.4	1.0	22	25	3
Reading 3										
Mainstream	195	19.4***	29.4	10.0	1.8	2.3	.5	12	18	6
Pullout	1,211	19.8	31.2	11.4	1.9	2.5	.6	13	20	7
Mathematics 3										
Mainstream	170	20.5†	32.5	12.0	1.6	2.5	.9	5	14	9
Pullout	622	21.5	37.9	16.3	1.7	2.9	1.2	6	22	16

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*Maximum possible score of 84.

**Maximum possible score of 56.

***Maximum possible score of 85.

†Maximum possible score of 98.

Moreover, there appear to be serious questions about the validity of using tests in the first weeks of grade 1 to assign children to a separate compensatory class. Of these, perhaps the most important is the fact that first grade fall test scores may reflect not only learning problems but also differences in preschool learning experiences and unfamiliarity with tests. It is therefore difficult to diagnose children's specific needs at this age, and as a result it is not clear that first grade students whose fall test scores are low need an instructional program that is distinct and separate from the regular classroom.

Finally, the cost of delivering pullout instruction appears to favor minimizing its use in the first grade where it appears to be least productive. One study by Dienemann et al. (1974) concluded that pullout is more expensive than mainstream instruction. Cost analyses conducted on the IDS data confirm Dienemann's results.[5]

Third grade pullout programs, in contrast, resulted in higher gains for mathematics and about equal gains in reading, according to the IDS data. By third grade, low-achieving children are apparently able to benefit from the intense and distinctive instruction usually delivered in pullout settings.

RELATIONSHIP BETWEEN CLASSROOM PROCESSES AND ACHIEVEMENT

This section presents the results of analyses conducted on a subsample of IDS classrooms to determine the strength of relationships between classroom processes and student achievement.[6]

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[5] Costs were not clearly related to effectiveness in the recent study. Within the range of program costs included in the study, more expensive programs were found to be more effective only for pullout reading instruction in first grade.

[6] Gain scores and pullout-mainstream comparisons were computed for compensatory education students only. However, classroom processes were analyzed for all those classrooms for which complete classroom process data were available (the instructional process sample). Some of these classrooms did not contain compensatory education students, although they all included some low-achieving students.

As discussed in Chapter II, the IDS was designed to study the separate and combined effects of five sets of classroom processes: opportunity, individualization, instructional events, motivational processes, and teacher background. None of the processes is measured by a single questionnaire item or other direct observation. Instead, a classroom's score for any one process (e.g., individualization) represents a combination of several measures. Details of the ways in which measures were combined to produce scores on each of the classroom processes are presented in Appendix D. Briefly, the five classroom processes are composed as follows:

Opportunity:	Measures of total instructional time, time spent on specific learning tasks, and overlap between instructional content and items in the spring achievement test
Individualization:	Measures of individual sequencing, pacing, and grouping practices; and matching instruction to student needs
Instructional events:	Measures of the teacher-student interaction on cognitive and managerial issues
Motivational processes:	Measures of classroom climate and incentives provided to students
Teacher background:	Measures of teacher training and experience

In natural settings, such as those examined by the IDS, several of the classroom processes of interest are often found together. For example, many classrooms with high ratings on "individualization" also have high ratings on "instructional events." In efforts to estimate the effectiveness of such processes, it can be difficult to separate the unique effect of one of them from the simultaneous effects of two or more working together. The technique used to analyze the IDS data can estimate the degree to which the classroom processes—both separately and in combination—are related to student achievement. When used to assess the importance of any one classroom process acting alone, the analysis produces conservative, but highly reliable estimates.

Combined Effects of the Classroom Processes

When the combined effects of all five sets of classroom processes are examined, it is clear that they are strongly related to student achievement. Table 3 compares the combined effect of the five classroom processes with the effects of another variable, "initial achievement." The "initial achievement" variable is simply students' fall achievement scores; it is strongly related to students' spring achievement because students who begin the school year with high test scores tend to have high test scores at the end of the year. The fact that classroom processes account for achievement gains even when fall achievement is considered shows that what happens in the classroom does have a strong effect on student learning.

For the first grade, differences in classroom processes have statistically significant relationships to students' achievement gains in both reading and mathematics in pullout and mainstream settings. They are also more strongly related to student achievement gains than is fall achievement.

In the third grade, classroom processes are strongly related to achievement gains only for mathematics. Fall test scores are relatively more important than instructional practices for mainstream mathematics and for both pullout and mainstream reading.

These patterns complement the analysis of overall gain scores reported above. Overall gains were large for first-grade reading and for mathematics in first and third grade; they were smallest in third-grade reading.

Preliminary analyses were also conducted to examine various combinations of the classroom processes. The results are presented in Tables 4 through 7. One combination of three elements—opportunity, individualization, and instructional events—was more strongly related to achievement than any of the other combinations.

TABLE 3

VARIATIONS IN POST-TEST ACHIEVEMENT ACCOUNTED FOR BY CLASSROOM PROCESSES AND INITIAL ACHIEVEMENT FOR THE STUDY SAMPLE

	First-Grade Reading		First-Grade Mathematics	
	Regular	Pullout	Regular	Pullout*
Classroom processes	.26**	.35**	.31***	--
Initial achievement	.08**	.14**	.10**	--
In common	.13	.03	.09	--
Total variance explained	.47**	.52**	.51**	--
n	94	87	91	--

	Third-Grade Reading		Third-Grade Mathematics	
	Regular	Pullout	Regular	Pullout
Classroom processes	.07	.12	.10***	.40†
Initial achievement	.42**	.33**	.38**	.07
In common	.28	.12	.24	.23
Total variance explained	.76**	.57**	.72**	.70**
n	89	89	108	46

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*Analyses were not computed for first grade mathematics pullout instruction because the sample size was inadequate.

**Significant at the .01 level.

***Significant at the .05 level.

†Significant at the .10 level.

TABLE 4

IMPACT OF CLASSROOM PROCESSES AND INITIAL ACHIEVEMENT IN FIRST-GRADE READING FOR REGULAR AND PULLOUT INSTRUCTION

	Proportion of Variance Accounted for	
	Regular (n=94)	Pullout (n=87)
Unique		
Opportunity (O)	.07*	.08*
Motivators (M)	.02	.01
Instructional events (IE)	.05	.08
Individualization (I)	.02	.03
Teacher background (TB)	.04	.03
Initial achievement (IA)	.08	.14*
Combined**		
O and IE	.02	--
O and I	.02	--
O and IA	.04	.03
I and IE	.05	--
O, I, and IA	.02	.02
O, I, and TB	--	.02
O, I, and IA	--	-.02
IE, I, and IA	--	.02
O, M, I, and TB	--	.03
O, IE, I, and TB	--	.03
Total variance explained	.47*	.52*

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* Significant at the .01 level.

** Presented only for values equal to or greater than .02.

TABLE 5

IMPACT OF CLASSROOM PROCESSES AND INITIAL ACHIEVEMENT IN FIRST-GRADE MATHEMATICS FOR REGULAR* INSTRUCTION

	Proportion of Variance Accounted for (N=91)
Unique	
Opportunity (O)	.07**
Motivators (M)	.01
Instructional events (IE)	.10***
Individualization (I)	.11***
Teacher background (TB)	.02
Initial achievement (IA)	.10**
Combined†	
O and I	.03
IA	.03
IE and I	-.03
I and IA	.03
Total variance explained	.51**

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*Analyses were not computed for pullout instruction because the sample size was inadequate.

**Significant at the .01 level.

***Significant at the .05 level.

†Presented only for values equal to or greater than .02.

TABLE 6

IMPACT OF CLASSROOM PROCESSES AND INITIAL ACHIEVEMENT IN THIRD-GRADE READING FOR REGULAR AND PULLOUT INSTRUCTION

	Proportion of Variance Accounted for	
	Regular (n=89)	Pullout (n=89)
Unique		
Opportunity (O)	.01	.03
Motivators (M)	.00	.01
Instructional events (IE)	.02	.02
Individualization (I)	.02	.01
Teacher background (TB)	.00	.03
Initial achievement (IA)	.42*	.33*
Combined**		
O and IE	--	.02
O and IA	.11	.03
M and IA	.03	--
IE and IA	.09	.03
O, TB, and IA	.03	--
O, IE, and IA	.04	.03
M, I, and IA	-.03	--
I, TB, and IA	.03	--
Total variance explained	.76*	.57*

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*Significant at the .01 level.

**Presented only for values equal to or greater than .02.

TABLE 7

IMPACT OF CLASSROOM PROCESSES AND INITIAL ACHIEVEMENT IN THIRD-GRADE MATHEMATICS FOR REGULAR AND PULLOUT INSTRUCTION

	Proportion of Variance Accounted for	
	Regular (n=108)	Pullout (n=46)
Unique		
Opportunity (O)	.01	.00
Motivators (M)	.02	.01
Instructional events (IE)	.01	.17*
Individualization (I)	.04	.09
Teacher background (TB)	.01	.04
Initial achievement (IA)	.36**	.07
Combined* **		
O and IE	--	.02
O and IA	.10	--
M and IE	--	.04
M and I	--	.06
M and TB	--	.03
M and IA	--	.02
I and IA	.04	.08
TB and IA	.02	--
O, I, and IA	.09	.04
M, IE, and I	--	-.04
M, IE, and TB	--	-.03
M, I, and IA	--	-.03
M, TB, and IA	--	-.03
IE, I, and IA	--	.05
IE, TB, and IA	--	.03
O, I, TB, and IA	--	.05
IE, I, TB, and IA	--	-.02
O, M, IE, I, and TB	--	-.02
O, IE, I, TB, and IA	--	-.02
M, IE,I, TB, and IA	--	.02
Total variance explained	.72**	.70**

---

*Significant at the .05 level.

**Significant at the .01 level.

***Presented only for values equal to or greater than .02.

Unique Effects of the Classroom Processes

Although NIE analyzed each of the five sets of classroom processes to discover its unique effects, the results for only two—opportunity and individualization—are presented here. None of the others produced clearly interpretable patterns, and a full report on them must await further analysis.

Opportunity

Of the five sets of classroom processes, opportunity was the most consistently related to gains in achievement. It was significantly related to differences in both reading and mathematics achievement gains in first grade.

The classroom process called opportunity was measured by a number of separate variables, including class size, minutes per week of instruction, time students spend on tasks, and overlap between curriculum and test content. Some of these component measures are themselves strongly related to achievement gains. For all groups of students, overlap between curriculum content and test items has a strong positive relationship to achievement. The variable, minutes per week of instruction, is also positively related to achievement in the pullout setting.

The findings are consistent with previous studies that analyzed the effects of these variables.

Individualization of Instruction

A major objective of the analysis was to determine whether individualized instructional practices are more effective than other modes of instruction and, if so, to identify the most important aspects of individualization. Preliminary analysis of the IDS data shows that individualized programs are effective, but not necessarily more so than other modes of instruction. As the data show, the classroom process labeled "individualization" by itself did not have a consistent pattern of statistically significant relationships to student achievement in the IDS analysis. Thus, the average spring test scores of students in highly individualized classrooms were generally no higher than the average scores for students in the overall IDS sample. The high rates of achievement gains reported for the compensatory education students in the IDS hold equally for students in highly individualized classrooms and for those whose instruction was less individualized.

As discussed in Chapter II, there are many possible ways of defining individualization, and this analysis has used only one. A detailed review of the data elements that comprise "individualization" and the other classroom processes indicates that it may be useful to use the IDS data in different ways--particularly by assigning some of the measures used to define "instructional events" to "individualization" instead. It is not yet possible to determine whether the concept of individualization should be redefined or whether some concept other than "individualization" is more promising. Such conclusions must await the results of the detailed analysis that NIE will conduct in the next 12 months. The findings reported here mean only that the general concept of "individualization," as defined and measured for this study, does not identify programs that are markedly superior to others in promoting student achievement gains.

APPENDIX A. SECTIONS 821 AND 150 OF PUBLIC LAW 93-380

Public Law 93-380
93rd Congress, H. R. 69
August 21, 1974

An Act

To extend and amend the Elementary and Secondary Education Act of 1965, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Education Amendments of 1974".

*****

PART B—EDUCATIONAL STUDIES AND SURVEYS

STUDY OF PURPOSES AND EFFECTIVENESS OF COMPENSATORY EDUCATION PROGRAMS

SEC. 821. (a) In addition to the other authorities, responsibilities and duties conferred upon the National Institute of Education (hereinafter referred to as the "Institute") by section 405 of the General Education Provisions Act and notwithstanding the second sentence of subsection (b)(1) of such section 405, the Institute shall undertake a thorough evaluation and study of compensatory education programs, including such programs conducted by States and such programs conducted under title I of the Elementary and Secondary Education Act of 1965. Such study shall include—

(1) an examination of the fundamental purposes of such programs, and the effectiveness of such programs in attaining such purposes;

(2) an analysis of means to identify accurately the children who have the greatest need for such programs, in keeping with the fundamental purposes thereof;

(3) an analysis of the effectiveness of methods and procedures for meeting the educational needs of children, including the use of individualized written educational plans for children, and programs for training the teachers of children;

(4) an exploration of alternative methods, including the use of procedures to assess educational disadvantage, for distributing funds under such programs to States, to State educational agencies, and to local educational agencies in an equitable and efficient manner, which will accurately reflect current conditions and insure that such funds reach the areas of greatest current need and are effectively used for such areas;

(5) not more than 20 experimental programs, which shall be reasonably geographically representative, to be administered by the Institute, in cases where the Institute determines that such experimental programs are necessary to carry out the purposes of clauses (1) through (4), and the Commissioner of Education is authorized, notwithstanding any provision of title I of the Elementary and Secondary Education Act of 1965, at the request of the Institute, to approve the use of grants which educational agencies are eligible to receive under such title I (in cases where the agency eligible for such grant agrees to such use) in order to carry out such experimental programs; and

(6) findings and recommendations, including recommendations for changes in such title I or for new legislation, with respect to the matters studied under clauses (1) through (5).

(b) The National Advisory Council on the Education of Disadvantaged Children shall advise the Institute with respect to the design and execution of such study. The Commissioner of Education shall obtain and transmit to the Institute such information as it shall request with respect to programs carried on under title I of the Act.

(c) The Institute shall make an interim report to the President and to the Congress not later than December 31, 1976, and shall make a final report thereto no later than nine months after the date of submission of such interim report, on the result of its study conducted under this section. Any other provision of law, rule, or regulation to the contrary notwithstanding, such reports shall not be submitted to any review outside of the Institute before their transmittal to the Congress, but the President and the Commissioner of Education may make to the Congress such recommendations with respect to the contents of the reports as each may deem appropriate.

(d) Sums made available pursuant to section 151(i) of the Elementary and Secondary Education Act of 1965 shall be available to carry out the provisions of this section.

(e)(1) The Institute shall submit to the Congress, within one hundred and twenty days after the date of the enactment of this Act, a plan for its study to be conducted under this section. The Institute shall have such plan delivered to both Houses on the same day and to each House while it is in session. The Institute shall not commence such study until the first day after the close of the first period of thirty calendar days of continuous session of Congress after the date of the delivery of such plan to the Congress.

(2) For purposes of paragraph (1)—

(A) continuity of session is broken only by an adjournment of Congress sine die; and

(B) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of the thirty-day period.

*****

"ALLOCATION OF FUNDS WITHIN THE SCHOOL DISTRICT OF A LOCAL EDUCATIONAL AGENCY

"Sec. 150. (a) For any fiscal year not more than 20 local educational agencies selected for the purpose of section 821(a)(5) of the Education Amendments of 1974 may elect, with the approval of the districtwide parent advisory council which is required to be established under section 141(a)(14) of this title, to allocate funds received from payments under this title on the basis of a method or combination of methods other than the method provided under section 141(a)(1)(A). Any method selected pursuant to this section shall be so designed and administered as to be free from racial or cultural discrimination.

"(b) Any local educational agency to which this section applies shall submit such reports to the Director of the National Institute of Education at such time and in such manner as the Director may reasonably require to carry out his responsibilities under section 821(a)(5) of the Education Amendments of 1974.

APPENDIX B. DIFFERENCES BETWEEN REGULAR AND PULLOUT INSTRUCTION ON MEASURES OF INDIVIDUALIZATION

Dimension and Measures	First-Grade Reading	Third-Grade Reading	First-Grade Mathematics	Third-Grade Mathematics
Matching by Pretests:				
Standardized tests for placement				PO*
Curriculum tests for placement			PO	PO
Teacher tests for placement				R
Placement at end of last year	R	R		R
Observation of work sample	R	R	R	
Matching by Mastery:				
Presence of curriculum-provided mastery tests	R	R		
Curriculum test used for mastery		R	PO	
Teacher test used for mastery			R	R
Review of in-class assignments to assess mastery		R		
Completion of work units used to assess mastery		R		R
Completion of work sample used to assess mastery	R		R	
Testing Practices:				
Average number of days since last mastery test			R	
Range of days since last mastery test	R	R		R
Percent correct on last mastery test			PO	
Frequency of testing			R	

APPENDIX B. DIFFERENCES BETWEEN REGULAR AND
PULLOUT INSTRUCTION ON MEASURES OF
INDIVIDUALIZATION

APPENDIX B. (Continued)

	First-Grade Reading	Third-Grade Reading	First-Grade Mathematics	Third-Grade Mathematics
Degree to which test varies by student	PO	PO	PO	PO
Use of tests for grading	R	R		R
Use of tests to assess mastery	PO	PO	PO	PO
Use of tests for diagnosis				
Use of tests for prescription				PO
Assignments and Grouping:				
Percent of unique assignments	PO	PO	PO	PO
Degree of unique assignments	PO	PO	PO	PO
Percent time teaching entire class	R	R	R	R
Percent time teaching subgroups of 11+	R	R	R	R
Percent time teaching subgroups of 2-4	PO	PO	PO	PO
Percent time teaching one-to-one	PO	PO	PO	PO
Number of groups	R	R	R	R
Average group size	R		R	R
Frequency of regrouping	R	R	R	R
Alternative Learning Routes:				
Repeat content using different materials	PO			PO
One-to-one remediation	PO		R	
Curriculum-suggested remedial work			R	PO
Continue on, planning to come back later			PO	PO
Consult specialist			R	PO
Degree of reliance on management system		R		R

APPENDIX B. (Continued)

	First-Grade Reading	Third-Grade Reading	First-Grade Mathematics	Third-Grade Mathematics
Sequencing and Pacing:				
Clarity of sequence		PO	PO	PO
Extent to which teacher follows sequence				
Extent to which sequence varies in classroom	PO	PO		PO
Extent to which teacher creates material to improve sequence				
Presence of self-pacing	PO	PO	PO	PO

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*PO indicates that the measure was reported more frequently by a teacher providing pullout instruction; "R" indicates that the measure was reported more frequently by a teacher delivering regular instruction. All comparisons are significant at the .05 level.

APPENDIX C. DISTRICT AND SCHOOL CHARACTERISTICS

GEOGRAPHIC DISTRIBUTION

As Table C-1 shows, urban, rural, and suburban areas were included in the study; however, the sample was not geographically representative. The participating districts included two Southern States (Florida and Virginia), two Midwestern States (Michigan and Ohio), and one Middle Atlantic State (Maryland). Several regions of the country were not represented in the study (i.e., New England and regions west of the Mississippi).

SIZE

The size of student population served in the districts included in the study ranged from 5,000 to 240,000. The districts had from 10 to 248 schools.

MINORITIES

The percentage of minority students in the participating districts ranged from 4% to 76%.

INSTRUCTIONAL SERVICES

The school districts in the IDS sample use Title I funds to support a variety of instructional services, as summarized in Table C-2. For comparative purposes, similar data from the NIE National Survey of Compensatory Education (1976) are also presented.

TABLE C-1

CHARACTERISTICS OF PARTICIPATING DISTRICTS

District Identifier	Geographic Location	Urban/ Rural/ Suburban*	Total Students Served by Districts	Number of Schools Served	Percent Minority Enrollment
A	North-Central	Urban	38,000	53	56
B	North-Central	Urban	46,000	66	24
C	North-Central	Urban	29,000	58	30
D	North-Central	Urban	8,000	20	38
E	North-Central	Rural	5,000	10	17
F	North-Central	Suburban	7,000	14	4
G	North-Central	Urban	5,000	10	11
H	North-Central	Mixed**	18,000	27	4
I	Mid Atlantic	Urban	160,000	203	76
J	Mid Atlantic	Urban	12,000	19	29
K	Mid Atlantic	Urban	43,000	66	62
L	South Atlantic	Suburban	130,000	150	26
M	South Atlantic	Urban/Rural***	240,000	248	59
N	South Atlantic	Urban	91,000	113	17

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*All or all but one of the participating schools judged in this category by Study Regional and Site Coordinators.

**Some schools in each category.

***Half urban and half rural schools.

TABLE C-2

PERCENTAGE OF INSTRUCTIONAL SERVICES FUNDED WHOLLY OR PARTIALLY BY TITLE I IN THE INSTRUCTIONAL DIMENSIONS STUDY AND IN ALL TITLE I DISTRICTS

	Study Districts Offering Services	Title I Districts Offering Services*
Preschool/kindergarten	71.4	38.1
General enrichment	14.3	8.5
Follow Through	7.1	3.8
Health/nutrition	35.7	1.3
Remedial reading	71.4	69.1
Mathematics	85.7	45.0
Language arts/communication skills	71.4	69.1
English as a second language	14.3	10.2
Special education/learning disabilities	21.4	7.8
Social/cultural studies	7.1	1.8
Science	7.1	1.2

---

*Source: NIE National Survey of Compensatory Education (1976).

Districts in the IDS sample, although concentrating on reading and mathematics, offer a variety of instructional services. A higher percentage of study districts offers each instructional service than was reported in the national survey. Data gathered on offerings of support services are consistent with this observation, with 79% of the districts in the study sample offering some support services, compared with 59% in the nationally representative sample.

TITLE I PARTICIPATION

Data were gathered to describe the selection procedures used for determining Title I participation. Both the IDS sample and the nationally representative sample used the same types of selection criteria. School eligibility and selection are determined on the basis of census data on family income, AFDC enrollment, and free lunch counts. Study eligibility and participation are determined primarily on the basis of standardized achievement test scores and teacher judgment. In the Instructional Dimensions Study, the participating school districts serve, on the average, 76% of eligible schools and 52% of eligible students. The comparable figures for the national sample are 90% of eligible schools and 57% of eligible children. In the study sample, therefore, school districts serve a smaller percentage of eligible schools and, within these schools, a slightly smaller percentage of eligible children than school districts nationally.

SCHOOL CHARACTERISTICS

Enrollment

Table C-3 presents the distribution of enrollments in the instructional process sample schools and in the overall sample schools.

Table C-3 indicates that the great majority of the instructional process sample schools had enrollments of 250 to 750 students. The table also shows that the overall sample schools' distribution of enrollments is quite similar to that of the instructional process sample.

Minorities

Table C-4 presents the distribution of the percentage of minority students enrolled in the instructional process sample schools and in the overall sample schools.

The data show a broad range of minority enrollment proportions in both instructional process sample schools and overall sample schools. Only one school reported that no minority students were enrolled. The table shows a relatively sparse number of schools in the 51%-90% range relative to the 1%-50% range and a bulge at the 91%-100% range (five schools were reported as having 100% minority enrollments). This pattern holds for each of the samples.

Title I Rankings

Table C-5A presents the distribution of instructional process sample schools by Title I rankings in each participating district. Table C-5B presents that distribution for the overall sample schools.

TABLE C-3

DISTRIBUTION OF ENROLLMENTS OF INSTRUCTIONAL PROCESS SAMPLE SCHOOLS AND OVERALL SAMPLE SCHOOLS

	Number of Students Enrolled						
	0-250	251-500	501-750	751-1000	1001-1500	1501-2000	2000+
Instructional process sample schools	8	35	38	6	2	0	1
Overall sample schools	10	40	40	7	2	0	1

TABLE C-4

DISTRIBUTION OF PERCENTAGE OF MINORITY STUDENTS ENROLLED IN INSTRUCTIONAL PROCESS SAMPLE SCHOOLS AND OVERALL SAMPLE SCHOOLS

	Percentage of Minority Students Enrolled										
	0	1-10	11-20	21-30	31-40	41-50	51-60	61-70	71-80	81-90	91-100
Instructional process sample schools	1	13	13	7	13	11	6	2	3	5	16
Overall sample schools	1	15	14	10	13	12	6	2	3	5	19

TABLE C-5A

DISTRIBUTION OF TITLE I RANKINGS OF INSTRUCTIONAL PROCESS SAMPLE SCHOOLS BY DISTRICT

District	No. of Schools in District	No. of Schools in Sample	No. of Schools Ranked 1-5	No. of Schools Ranked 6-10	No. of Schools Ranked 11-20	No. of Schools Ranked 21-30	No. of Schools Ranked 31-40	No. of Schools Ranked Above 40
A	53	7	2	1	4	--	--	--
B	66	4	--	2	2	--	--	--
C	58	7	4	3	--	--	--	--
D	20	6	3	3	--	--	--	--
E	10	4	3	1	--	--	--	--
F	14	5	2	3	--	--	--	--
G	10	5	5	--	--	--	--	--
H	27	7	--	--	3	4	--	--
I	203	6	--	--	--	1	--	5
J	19	4	2	1	1	--	--	--
K	66	5	--	--	--	--	--	5
L	150	9	2	--	1	3	2	1
M	248	8	1	1	--	1	3	2
N	113	13	--	3	3	3	3	1
Total		90	24	18	14	12	8	14

TABLE C-5B

DISTRIBUTION OF TITLE I RANKINGS OF OVERALL STUDY SAMPLE SCHOOLS BY DISTRICT

District	No. of Schools in District	No. of Schools in Sample	No. of Schools Ranked 1-5	No. of Schools Ranked 6-10	No. of Schools Ranked 11-20	No. of Schools Ranked 21-30	No. of Schools Ranked 31-40	No. of Schools Ranked Above 40
A	53	8	2	2	4	--	--	--
B	66	4	--	2	2	--	--	--
C	58	7	4	3	--	--	--	--
D	20	7	3	3	1	--	--	--
E	10	5	4	1	--	--	--	--
F	14	7	4	3	--	--	--	--
G	10	5	5	--	--	--	--	--
H	27	7	--	--	3	4	--	--
I	203	8	--	--	--	1	--	7
J	19	4	2	1	1	--	--	--
K	66	5	--	--	--	--	--	5
L	150	9	2	--	1	3	2	1
M	248	9	1	1	--	2	3	2
N	113	15	--	3	3	4	4	1
Total		100	27	19	15	14	9	16

Both tables show that typically not all of the top-ranked Title I schools in a district were included in the sample, but that those included were usually among the most highly ranked.

Percentage of Eligible Students Receiving Services

Table C-6A presents the number and percentage of eligible students receiving services in instructional process sample schools in each participating district. Table C-6B presents those numbers and percentages for the overall sample schools.

These two tables show that instructional process sample schools serve varying proportions of eligibles, ranging from about 60% to 100%. The average percentage of eligible students receiving services is about 80%. It should be noted that eligibility definitions and criteria differ from district to district.

TABLE C-6A

PERCENTAGE OF TITLE I-ELIGIBLE STUDENTS RECEIVING SERVICES IN INSTRUCTIONAL PROCESS SAMPLE SCHOOLS COMPARED TO TOTAL NUMBER ELIGIBLE AND TOTAL ENROLLMENT

District	No. of Schools in Sample	Total Enrollment in Instructional Process Sample Schools	Total No. of Eligible Students in Instructional Process Sample Schools	Percentage of Eligible Students Receiving Services in Instructional Process Sample Schools
A	7	4,774	1,610	91
B	4	1,128	430	30
C	7	2,534	967	86
D	6	1,873	808	86
E	4	1,168	182	100
F	5	1,950	283	60
G	5	1,866	396	65
H	7	3,472	658	78
I	6	5,610	2,889	77
J	4	1,528	196	100
K	5	3,150	1,325	78
L	9	5,409	1,340	95
M	8	5,382	2,716	57
N	13	7,267	2,446	89
Total	90	47,111	16,246	80

TABLE C-6B

PERCENTAGE OF TITLE I-ELIGIBLE STUDENTS RECEIVING SERVICES IN OVERALL STUDY SAMPLE SCHOOLS COMPARED TO TOTAL NUMBER ELIGIBLE AND TOTAL ENROLLMENT

District	No. of Schools in Sample	Total Enrollment in Overall Study Sample Schools	Total No. of Eligible Students in Overall Study Sample Schools	Percentage of Eligible Students Receiving Services in Overall Study Sample Schools
A	8	5,180	1,760	88
B	4	1,128	430	90
C	7	2,534	967	86
D	7	2,294	958	83
E	5	1,416	209	100
F	7	2,522	383	64
G	5	1,866	396	65
H	7	3,472	658	78
I	8	6,410	3,541	82
J	4	1,528	196	100
K	5	3,150	1,325	78
L	9	5,409	1,340	95
M	9	6,368	3,266	63
N	15	8,454	2,723	90
Total	100	51,731	18,152	81

APPENDIX D. CLASSROOM PROCESSES: DIMENSIONS AND MEASURES

Dimension	Measure
Opportunity	
1. Amount of Time Available to Learn Subject Matter	a. No. of students enrolled
	b. Percentage of students present
	c. Minutes/week in subject
	d. No. of students transferring in
	e. No. of students transferring out
	f. No. of days between start of school and post-test
	g. Percentage of students on task
2. Curriculum Overlap	a. No. of items in total test overlapping with curriculum materials
Motivators	
3. Curriculum Motivators	a. Degree of interest of main published curriculum materials
	b. Degree of reliance on: -Basic text -Instructional kits -An instructional system
	c. No. of modes of instruction (A)
	d. No. of modes of instruction (B)
	e. Speed of correction on product

4. Interpersonal Motivators	a. Degree of peer tutoring
	b. Degree of use of games and contests
	c. Degree of self-evaluation
	d. Degree of self-management with regard to: -Seating -Working alone
	e. Degree of teacher contingent praise
	f. Degree of teacher general praise
Instructional Events	
5. Management Information	a. Rate of individual management statements
	b. Rate of group management statements
	c. Rate of individual cognitive management statements
	d. Rate of group cognitive management statements
6. Cognitive Teaching to Individuals	a. Rate of individual cognitive statements
	b. Rate of group cognitive statements
	c. Rate of child-initiated responses
	d. Rate of individual child responses
	e. Ratio of cognitive to management statements
	f. Ratio of individual student cognitive contacts
	g. Rate and extent of tutoring time

7.	Cognitive Teaching to Small Groups	a. Rate of small group cognitive statements
		b. Rate of small group cognitive questions
		c. Rate of small group child questions
		d. Rate of small group child responses
		e. Rate of small group cognitive contacts
		f. Rate of personal/tangential information
8.	Cognitive Teaching to Whole Class	a. Rate of cognitive statements alone
		b. Rate of cognitive questions
		c. Rate of child responses
		d. Rate of lecture time
9.	Interactive Behavior and Experience	a. No. of years teaching experience
		b. Rate of silences or nonverbal time
		c. Degree to which active responses are received
		d. Degree to which teacher models responses
		e. Degree to which teacher refers to earlier curricular information
		f. Degree to which teacher focuses child's attention
		g. Degree to which teacher solicits child's opinion on correctness of response
		h. Degree to which teacher interacts clearly, concisely, and accurately with students
		i. Degree to which teacher manages class effectively

9.	Interactive Behaviors and Experience (continued)	j. Degree to which child receives feedback
		k. Degree to which teacher interacts with individual students

Individualization

10.	Matching Students by Pretests	Placement procedures used by teacher
		a. Standardized test results
		b. Curriculum-provided tests
		c. Teacher-made tests
		d. Placement of child at end of previous year
		e. Observation of work sample
11.	Matching by Mastery	a. Presence and use of curriculum-provided method to assess mastery
		b. Use of curriculum-provided tests
		c. Use of teacher-made tests
		d. Review of in-class assignments
		e. Completion of work units
		f. Observation of work sample
		g. Conference with pupil
12.	Testing Practices	a. Average no. of days since last mastery test
		b. Percent correct on last mastery test
		c. Frequency of testing
		d. Degree to which testing varies by individual student
		e. Use of tests for grading
		f. Use of tests for assessment of mastery

12.	Testing Practices (continued)	g.	Use of tests for diagnosis
		h.	Use of tests for prescription
13.	Assignments and Grouping	a.	Percentage of unique assignments
		b.	Degree to which unique assignments are made to individual students
		c.	Percent of time spent in entire class
		d.	Percent of time spent in subgroups of 11 or more
		e.	Percent of time spent in groups of 2 to 4
		f.	Percent of time spent one-to-one
		g.	No. of groups
		h.	Average group size
		i.	Frequency of regrouping
14.	Alternative Learning Routes	a.	Repeat content using different materials
		b.	Give one-to-one remedial instruction
		c.	Use curriculum-suggested remedial work
		d.	Continue on, planning to come back later
		e.	Consult with specialist
		f.	Degree of reliance on management system
15.	Sequencing	a.	Clarity of sequence
		b.	Extent to which teacher follows sequence
		c.	Extent to which sequence varies in classroom

15. Sequencing (continued)	d. Extent to which teacher creates supplemental materials to improve sequence e. Presence of self-pacing

Teacher Background

16. Experience in Teaching	a. No. of years experience within a school
17. Formal Education	a. Highest level of formal education attained
18. Recent Training	No. of hours (during the past 3 years) in various training activities a. Visits or demonstrations by others in the teacher's classroom b. Consulting with specialists or trainers not in the classroom c. Videotapes of model teaching episodes d. Videotapes of teachers or aides themselves in teaching episodes e. Workshops f. Courses for college credit No. of hours (during the past 3 years) in varied content areas g. Introduction of new content material h. Utilization of instructional equipment and material i. Measurement, evaluation, reporting, project planning, and design j. General orientation to the philosophy of compensatory education, culture, and personality of educationally disadvantaged children k. Types of learning disabilities

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Appendix 5

DAVID W. HORNBECK
STATE SUPERINTENDENT

MARYLAND STATE DEPARTMENT OF EDUCATION
P.O. BOX 8717, BWI AIRPORT
BALTIMORE, MARYLAND 21240

November 1, 1977

The Honorable Carl D. Perkins
United States House of Representatives
Chairman, Subcommittee on
Elementary, Secondary and Vocational
Education
Room 2365
Rayburn House Office Building
Washington, D. C. 20515

Dear Congressman Perkins:

I write first to compliment you and the members of the Subcommittee on Elementary, Secondary, and Vocational Education for the extensive set of hearings you have been conducting on the education legislation originally scheduled to expire in 1978. In particular, I deeply appreciate the efforts you have made to hear all points of view on elements of the Elementary and Secondary Education Act.

As the State Superintendent of Schools for Maryland, I share the perspective you have heard from a number of witnesses on the importance of retaining and strengthening the role of the State agency. However, I am more concerned that we in the education community not become involved in arguing our specific points of view to the detriment of programs desperately needed by our young people. The students of my state and of the nation have benefitted greatly in the past twelve years from the federal support and funding you and your colleagues have provided.

I can claim confidently that we in Maryland have put your legislative and financial support to efficient and effective use to address the needs of our young people. Children enrolled in Title I programs in this State, for instance, demonstrated on tests given in 1976-77 that they are progressing at a rate of 10.8 months in a 10 month period in reading at the second grade level and at a rate of 11.1 months in a 10 month period in reading at the third grade level.

The progress can be seen equally well in the highly urbanized schools of Baltimore City as well as in our rural and suburban schools.

I so firmly believe that the Maryland experience with ESEA achieves the congressional intent you and your colleagues had in adopting this legislation that I want to extend to you and your colleagues on the Subcommittee as well as any number of the full committee you suggest an invitation to conduct an on-site review of our programs. In particular, in conjunction with John Crew, Superintendent of Schools in Baltimore City, I invite you to visit Title I schools in his system to examine the effectiveness of the programs you are funding.

All of us in education have become deeply concerned over the alleged erosion of public support for our schools. This concern focuses in a unique though not exclusive way on urban schools. Certainly the problems facing our urban areas are more complex than those of other areas.

I believe that a visit by the Subcommittee to schools in Baltimore City would serve a number of important purposes. In the first instance, it would draw attention to federally financed programs that are succeeding under complex challenges. It would give members of the Subcommittee an opportunity to test out in the "laboratory" setting some of the positions argued before you by witnesses at the hearing. It would demonstrate to concerned taxpayers that the Subcommittee will frame its legislation with careful attention to and experience of the workings of actual schools.

I realize the demands on your time and that of the Subcommittee members. I believe, however, that an on-site investigation would be very rewarding to you. We would, of course, schedule it to the Subcommittee's convenience and would structure the visit to meet your needs. Should you wish to include sites other than Baltimore City, that can be arranged as well.

I hope you will see fit to accept my invitation. I look forward to the honor of hosting you and your colleagues.

Sincerely,

DAVID W. HORNBECK
State Superintendent of Schools

DWH/rmp

cc: Maryland Congressional Delegation

DEPARTMENT OF PUBLIC INSTRUCTION

STATE OF NORTH CAROLINA RALEIGH

October 14, 1977

The Honorable Carl Perkins
Representative
THE CONGRESS OF THE UNITED STATES
Washington, D. C. 20202

Dear Mr. Perkins:

You and your colleagues who shaped the laws leading to the ESEA Title I program spoke to the two basic educational problems facing the disadvantaged child: his struggle with language and computation skills and his struggle with social and cultural isolation, both reinforced by care-worn and defeated parents or guardians.

You spoke to both problems in the preamble of the law. However, in the years of refining the remedial process since Title I began, the social and cultural objectives have been phased out by those serving under you.

Title I money is now funnelled into the narrowest of solutions to reading and arithmetic problems. Even if this effort were wildly successful, which it is not, it would not alleviate the cultural isolation in which most of these children are trapped.

This child, regardless of his basic skills, cannot and does not move freely in the larger society of this country. The narrow life of Appalachian transplants in Detroit is but one example.

This is not right. Every child should know his cultural heritage and know that he is a part of the broader and varied cultural life of his country. This means education in music, art, drama, dance and literature to the end that every student may use these arts as keys to his own feelings and to participation in the larger life of America.

I beg you to see that the original wisdom of ESEA Title I is restored so that both cognitive and affective learning may be nourished. Please insist that a portion of these compensatory funds be used to introduce children to the languages of the arts, languages which will open doors for them for a lifetime.

I know you will not find this easy to do. The educational materials industries are deeply imbedded in Title I. Hard-edged programs appear so simple to measure. It is easy to count the hoops through which a child can be made to jump. It is profitable to be the hoop-maker.

It is much harder to weigh the young heart, to measure the openness of the young mind, and to test the temper of the spirit.

In all fairness, encourage us and enable us to do something positive about the isolation and alienation of these children who have so few options without this nation's love and help.

Respectfully,

Jim Hall

Jim Hall, Director
DIVISION OF CULTURAL ARTS

JH:pay

NATIONAL ASSOCIATION OF SOCIAL WORKERS, INC.
1425 H St., N.W., Suite 600, Washington, D.C. 20005 (202) 628-6800

Written Testimony submitted
for the record
Wednesday, November 16, 1977

to
THE HOUSE SUBCOMMITTEE
ON
ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

By:

Anne Mitchell, ACSW
Chairperson
NASW Committee on
Social Work Services in the Schools

The federal government has provided major assistance in strengthening state efforts to provide effective education for children from disadvantaged backgrounds through Title I of the Elementary and Secondary Education Act. This assistance has come in the form of separate programs which supplement the basic state and local program. Federal and state priorities have focused especially on the special educational needs of disadvantaged children in the areas of reading, mathematics, and bilingual education. As a result, both local and state educational agencies, through monitoring and technical assistance and a requirement for clear, written objectives and an approved evaluation design, have demonstrated significant improvements in the reading and mathematics scores of children in Title I programs.

The establishment of priorities to improve the reading and mathematics skills of disadvantaged students recognizes that certain basic skills are required to succeed in an increasingly technical society. Frequently, disadvantaged children are those who have the greatest difficulty in acquiring them.

The educational strategies developed to meet the special educational needs of disadvantaged children have been to enrich their education with a variety of supplementary reading and mathematics programs, usually during the school day. Considerable attention by state and local agencies has been given to assure that:

(1) only eligible children are served.

(2) the program supplements rather than supplants basic educational programs and

(3) that these programs will demonstrate success.

We must commend and support the vast majority of these programs. We must also note, however, that these programs are based on instructional experiences which depend upon a situation where:

(1) the child is regularly available for a sufficient period of time to profit from the instruction offered.

(2) the child is emotionally and socially able to profit from the instruction being offered by the supplementary Title I program.

(3) the child's family supports and assists the teacher, school and the child in making the best use of the Title I program.

Social workers, employed by local educational agencies, who work with underachieving and disruptive youth in schools, often report the following conditions:

(1) the mobility of poverty families, particularly in inner city urban areas, is unusually high. Families move frequently, blocks or miles, often to locate better housing. These moves result in frequent school and class transfers for the children involved. It is not unusual to find classes in which the whole class has changed two or more times during the school year. The family moves and school transfers often result in the loss of days or weeks of instruction. The impact on small children of the need to move and establish new relationships is severe.

(2) The social conditions in the family, community and the school contribute to a high amount of anxiety in the children. Children walk through the streets of unemployed adults, derelicts, and drug users to schools where they are often preyed upon by older more aggressive children. Mothers are known to rush through icy streets to be at the classrom door to sheperd their children home.

(3) By the time a disadvantaged child has reached ninth grade, school has become an unsuccessful, negative experience. The transfer to high school appears too difficult and an extremely high drop out rate occurs in the 9th grade. Attendance, for those students who continue to attend, drops to very low rates in most urban schools. School becomes a place for the boys to "hang out" and meet the girls, who generally stay in school longer.

Experience with children in institutions for neglected and delinquent children and in correctional institutions re-enforce these views. Reading scores are generally low, below fifth grade and often at the second grade level, attendance records have been poor and inmates had generally dropped out by the 9th grade.

Under these conditions, Title I programs that are designed to be solely instructional are least effective for those children who are most mobile, receive little familial support and aid and ultimately are a high risk of entering our correctional system.

Social workers in schools believe that disadvantaged children require the best, most individualized education programs available. Yet these programs are severely hampered if the children to be served cannot make the best use of them. It is our firm belief that many disadvantaged children require the support of an effective, social work program in order to acquire the educational skills we all wish them to have.

The specific ways in which social work programs can contribute to more effective compensatory educational programs are:

(1) School attendance - seeing that disadvantaged children

are identified and closely followed to assure that they are attending school each day, with as little disruption as possible in whatever shcool transfers are necessary.

(2) Family counseling to improve understanding and cooperation with the teacher and school in the special educational programs available to children and demonstrate how the family can participate and assist in the instructional process. Families should receive referrals and assistance in the use of appropriate community agencies when necessary.

(3) The identification of, and assistance to all students especially those in 6th to 8th grades, who are showing learning difficulties and disruptive and delinquent behavior. Through effective intervention, to provide sufficient support to individualized compensatory programs to assure the students continued education.

Social workers have participated in various special compensatory educational programs funded by state and federal funds in which they have contributed significantly to the success of the education of disadvantaged children. We call your attention to the Primary Mental Health Program, initially funded by the National Institute of Mental Health, which has served as a model for school districts throughout the nation. Through the use of social workers, parent volunteers and a well developed identification and compensatory educational program, elementary children in inner city school districts have achieved significant educational gains.

A particularly significant program, which has received little national attention, but which has demonstrated significant success with middle school age, disruptive, underachieving children is the Youth Worker Program in Syracuse, New York. Funded under state drug prevention funds, because Title I funds were not available, children in this program have shown significant improvement in in their marks, behavior and attendance.

Social work programs, carefully and innovatively planned, monitored and evaluated can significantly contribute to the educational needs of disadvantaged children. The basic concern must continue to be to provide the most effective compensatory education possible to these children. However, to assure the best use of these programs, many children and schools require supportive services which will include social work programs to:

(1) assure the child's continued participation in these programs.

(2) assist the family to participate in and support the child in a compensatory program, and

(3) intervene, particularly in the failure-disruptive-drop out process of 6th to 8th grade underachieving disadvantaged children.

In summary, although our recommendations emanate from the experience of social worker services under ESEA, they reflect the broader supportive service functions of diverse professional groups. The facts are that several thousand of our members work in schools, as part of the professional staff employed by local school systems and many of these jobs are funded through ESEA, Title I funds. We suggest that this is a positive example of supplementary rather than supplanting use of Title I Federal funds.

As social workers in school systems, we support the educational goals of achievement in math, reading and bilingual learning. But, we contend that the best education cannot help the child who has dropped out of or is chronically absent from school; the child who is unable - either socially or emotionally - to benefit from an instructional program; or the child whose family life is so unstable as to be unable to support the child's learning efforts.

It is the social worker, whose skills lie not only in working with the child, but with the family, school staff and community resources, who can intervene to facilitate the child's making optimum use of his/her educational experience.

Specifically, we suggest that the new language of Title I legislation define supportive services, including social work services, to meet the educational needs of disadvantaged children. It must be stressed that related services are essential to successful pursuit of basic instructional objectives. The legislation must identify related services to enable local authorities to make the best choice in determining a child's educational needs. Such a statement might appear generally in the preamble with an additional clause in the main text outlining and defining support services.

It is our hope that Title I can be strengthened and continue to fulfill its original purposes. To do so, the role of supportive services in the ESEA legislative reauthorization should be clarified so that state and local educational agencies can choose among the mix of educational and support programs best suited to their social conditions. To that objective, NASW offers its services to the committee and its staff.

WILLIAM LEHMAN
13th District, Florida

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REPLY TO:

December 9, 1977

Honorable Carl D. Perkins
Chairman
Subcommittee on Elementary, Secondary,
and Vocational Education
B346C Rayburn HOB
Washington, D.C. 21515

Dear Mr. Chairman:

I wish to bring to the subcommittee's attention a problem being experienced by Norland Junior High School in Miami, Florida. It is no doubt prevalent in other parts of the country as well.

Because a number of students are bused to Norland from low-income areas, the school has a real need for additional funds. Nevertheless, the school does not receive Title I funds because of the present criteria for eligibility.

I wish to submit this memorandum for the subcommittee's record of hearings on Title I.

Thank you for your consideration.

With best wishes, I am

Sincerely,

Bill

WILLIAM LEHMAN
Member of Congress

WL/mar
Enclosure

NORLAND JR. HIGH COMMUNITY SCHOOL
1235 NORTHWEST 192ND TERRACE
MIAMI, FLORIDA 33169

DR. P. F. MOONEY
XXXXXXXXXXXXXXX
PRINCIPAL

DR. J. L. JONES
XXXXXXXXXXXXXXXX
SUPT. DADE COUNTY SCHOOLS

PERM 11 78 13

September 12, 1977

TO: Dr. Earl A. Wells, Superintendent North Area

FROM: P. F. Mooney, Principal
Norland Junior High School

SUBJECT: ABSENCE OF FEDERAL SUPPORT FUNDS

Since assuming principalship of Norland Junior High School, I have been surprised at the absence of special funds or programs for the diverse student body at this school.

Being aware of the massive amount of Federal Programs that are in existence in Dade County schools, caused me to make inquiries regarding the absence of any compensatory funding at this school. My efforts to receive special funding from this source have not been productive.

The present criteria for Title #1 Junior High entitlement is based on "Free and Reduced Lunches". It is my belief that the diligence of the previous administration of this school in determining Free and Reduced lunches resulted in many students going home for lunch and others not applying for the entitlement. Consequently Norland Junior High School is 30th in elegibility list with a 26.55% "reduced and free luch", twenty-two (22) junior high schools at or in excess of 36.19% are participating and receiving Title #1 funding.

In order to accomodate the "Pupil Progression" mandates and provide for the educational needs of this excessively diverse student population, we have with the CASAS basic allocation units established Math and Reading Labs. These labs are staffed in a 1 to 12 (Reading), (Language Arts), and 1-15 (Math) student.

It is my belief that the disparity in the socio/economic level of the 265 students who are bussed from Liberty City (Poinciana Park Elementary) to this integrated school community results is an eniquity in educational opportunities, unless supplementary funds are provided.

The purpose of this memorandum is to alert the area office of the makeup of this school population:

	White	Black	Spanish
Grade 7	*335*	*122*	*25*
Grade 8	*338*	*70*	*32*
Grade 9	*332*	*71*	*26*

Recognizing the remote possibility of achieving Title #1 funding during the current school year, I am requesting that Norland Junior High be given consideration in the selection of allocation of funds and/or programs to assist us in providing appropriate instruction and supervision for this school population.

cc: Mr. Joseph D[illegible]oni

Appendix 6

October 20, 1977

Dr. Patricia Albjerg Graham
Director
National Institute of Education
Washington, D.C.

Dear Dr. Graham:

On Tuesday, October 18th NI.E. testified concerning the poor rate of participation of private school children in Title I programs. Today I received a letter from Mr. Robert Lamborn, Executive Director of the Council for American Private Education, requesting complete data on this issue.

Therefore, I am writing to you today requesting that NIE submit a report for our hearing record for October 18th giving us all of the data which you have compiled on this issue and any other conclusions which you have reached concerning this point.

Thank you very much for your cooperation and I have enclosed a copy of Mr. Lamborn's letter for your information.

Sincerely,

Carl D. Perkins
Chairman

CDP:Jp

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
NATIONAL INSTITUTE OF EDUCATION
WASHINGTON, D.C. 20208

11 NOV 1977

OFFICE OF THE DIRECTOR

Honorable Carl D. Perkins
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Perkins:

I am replying to your letter of October 20, 1977, requesting information about the participation of private school children in Title I programs.

The Council on American Private Education has just submitted an interim report on that topic to NIE's Compensatory Education Division. In response to your request I am enclosing a copy of the Council's report for inclusion in your hearing record for October 18.

Members of my staff have reviewed the report, and feel that it contains useful information; however, the findings and conclusions expressed in the report are those of the contractor, and not necessarily those of NIE.

I hope the Committee will find the report useful in its deliberations about the future of Title I.

Sincerely,

Patricia Albjerg Graham

Patricia Albjerg Graham
Director

Enclosure

Interim Report

Summary Report: Delivery of Title I Services to Non-Public School Students

Principal Investigator: Thomas W. Vitullo-Martin, Ph.D.

Project Administrator: Robert Lamborn
Council of American Private Education

Submitted to: Paul Hill
Director
Compensatory Education Evaluation Study
National Institute of Education

October 10, 1977

INTRODUCTION

Title I provides educational services to children who reside in low-income areas and whose rates of academic achievement are below average. Title I is neither general welfare aid nor general aid to school districts. Not all children meeting the criteria established under the law will receive Title I services, and a student's chances of being served will differ from one district to another. But his chances of being served, the appropriateness of the services to his needs, and the quality of the services should not be a function of the student's enrollment in a public, rather than a private, school. Title I is administered by public school systems, but non-public school students must enjoy an equal opportunity for Title I services.

Our study shows that non-public school students are much less likely to receive services. Fewer than half of these students who should be served are served.

NIE has outlined four important ways in which the compensatory education program differs from the normal school program:

1. Smaller class size (9-12 vs. 27 in regular classes).
2. An average of 5.5 hours of instruction per week.
3. Highly qualified teachers and reliance on teacher aides.
4. Individualized instruction.

Preliminary evidence from our site studies indicates that Title I services for non-public school children are significantly inferior in at least three of the four areas.

1. **Title I classes are larger for non-public school students.**
2. **Non-public school students receive an average of 1 hour of Title I instruction per week (18% of the services given public school participants).**
3. **The least qualified teachers–those with lower degrees, less experience, and part-time status–are typically assigned to non-public school students.**
4. We have no evidence on whether the same approach to individualized instruction is taken in both types of schools.

Title I's ability to deliver services equitably to non-public school children has been shaped by decisions of the U.S. Supreme Court, and state supreme courts are now considering cases which may dramatically alter Title I, principally its ability to deliver services on the private school site. As a practical matter, off-site delivery of services will result in a much costlier, less effective Title I program. Off-site services are unlikely to reach any properly proportionate number of eligible non-public school children. The possibilities before the courts, and the likelihood of their changing the present approach, are summarized in Appendix II.

DELIVERY OF TITLE I SERVICES TO CHILDREN ATTENDING NON-PUBLIC SCHOOLS

Title I of the Elementary and Secondary Education Act of 1965, as amended in 1974 (also known as the Compensatory Education Act), is broadly formulated to provide remedial educational services to children whose education is hindered by their environments. Public school districts, at their discretion, may ask to be considered "local education agencies" (LEAs) to administer Title I to all eligible children within their jurisdictions.

All children meeting standards (relative to the local community) for residence in low-income areas and low rates of scholastic progress are eligible for the program. Eligible children may attend public or private schools or various types of juvenile institutions. Their eligibility is not a function of the type of institution they attend. Allocations are made to states and qualifying sub-units by a formula which considers each area's low-income school-age population, weighted by the count of children receiving supplemental aid. All children residing in an area are counted for purposes of establishing the allotment. The allotment is not determined by the public school registry or even by the register of all schools in the area. It includes non-public school students and children not attending school.

The child-benefit approach is fundamental to Title I. The law designates LEAs to deliver diagnostic and remedial educational services (to correct children's educational problems defined by the act) to children defined by the act as eligible. *In most cases, public school districts become the LEAs under the act, but the Title I assistance is in no form general aid to a school district.* Districts must apply for the funds available to their area by writing a specific proposal to provide identified services to identified pupils. The contract must be approved by the state education agency (SEA) as meeting the federal purposes under the act. State and federal auditors then hold the district accountable for fulfilling the contract. Districts may not accept Title I money and spend it on students or services not included in their contract, and they may not reduce their own educational efforts for the students participating in the federal program.

In sum, students are entitled to receive educational services by Title I, and the act provides funds for the purchase of the services. The services are usually—but not necessarily—purchased from local public school districts. But the act specifically includes non-public school children every step of the way. They are counted in determining the proportion of low-income children living in the area and therefore in determining Title I allocation to each area. *Under the act, children are entitled to receive Title I funds irrespective of the school system they come from.* Attendance at any form of non-public school should not bias a student's chances of receiving the Title I services to which he is entitled.

An accurate statement of the law would be: *Non-public school students should have the same opportunity to receive Title I services they would enjoy if they were attending public schools. And the intensity and quality of the services they receive should be equivalently proportionate to their needs.*

Are private school children included in the program without bias?

It is difficult to know if the approaches followed by LEAs for including private school children are biased because neither the Office of Education nor the states collect and tabulate sufficient information to make any determination. Many states do not even tabulate the number of non-public school children served. Only a few make consistent efforts to determine that an appropriate proportion of the children in the non-public sector are included.

Broadly speaking, the evidence suggests that children enrolled in non-public schools: 1) have less chance to participate in Title I than they would have if enrolled in the public schools; 2) when they do participate, receive far fewer services than their public school counterparts. But no information collected by any state education agency is adequate to the task of certifying that such bias does or does not exist. Although the little information collected by state offices suggests that Title I services to non-public school students are not adequate, certain circumstances could explain the statistics.

To obtain better information, NIE took two approaches. It developed a national sample of 100 school districts and queried them about the quantity and quality of services they deliver to non-public school students. This survey established the approximate numbers of non-public school students involved in Title I programs and the average number of instruction hours they receive. It established the proportion of public and non-public school students receiving Title I services.

NIE commissioned us to do a second study of 50 school districts. We were to review carefully Title I LEA procedures for establishing the eligibility of public and non-public school students, for planning Title I programs, and for delivering the services. This study allowed us to determine whether the statistical trends NIE discovered in its first survey resulted from the proper application of reasonable criteria or from biases inherent in the program criteria, procedural approaches, or discretionary administration.

Bias in selection of students

In its national survey, NIE found that 116,218 non-public school students receive some form of Title I services; they represent about 4% of all private school students living within districts receiving Title I funds. However, only 43% of the districts with private school children living within their boundaries serve any private school children in their Title I program.

These enrollment figures suggest that the Title I program is not meeting the needs of private school children. Most of the participation of private school children in Title I is accounted for by programs at a few sites. For example, 14% of all non-public school children enrolled in Title I attend New York City private schools even though only 4% of all private school children reside in the city. (Of all the cities surveyed, New York City has the most objective and standardized procedures for including non-public school children.)

Only 2% of the students served in Title I programs are enrolled in non-public school, even though 11% of all elementary school students are in non-public schools. While it is true that proportionately fewer low-income families enroll their children in private schools, even this factor is not sufficient to explain the small number of private school students in Title I.

NIE found that 29% of all public school elementary students were eligible and approximately 19% were served by Title I programs. It found that 4% of the non-public school population in Title I districts was served, suggesting that 6% were eligible. *More should have been found eligible and more served.* In almost every city we studied in detail, we found a higher proportion of non-public school children eligible. New York City has a typical non-public school population, except that it has more students in elite academies. Fourteen percent of its non-public school population is eligible for Title I. Seven percent of its non-public school students are served in Title I.

NIE's survey found that only about 50% of the children in target-area schools were academically eligible for Title I services and that the eligibles' list included children who resided in the target area but were not from low-income families. In 1975, 31% of the public school population had family incomes below $5,000 (in constant 1967 dollars). Not all these children will reside within target areas, nor be academically eligible. The target areas are, however, a function of family income and reflect lower-income residence patterns. Most Title I eligible students will be drawn from families with incomes under $7,500 (in 1967 dollars).

Of the 3,220,000 students enrolled in private elementary schools in 1975, about 35% had family incomes under $7,500 (constant 1967 dollars) compared to 52% for public schools (*Condition of Education*, 1977, pp. 74, 75, 190). In the Northeast and Central states, 11% of all children with family incomes below $7,500 attend private schools. These figures are very close to the New York City proportions, which show that 12% of the children residing in its target areas attend private schools. In sum, a $7,500 family income appears to be a reasonable indicator of Title I target-area residence. Applying known rates of participation, the indicator would predict 5.1 million elementary public school participants. (NIE's sample finds 5.9 million, suggesting the indicator is conservative.) Applied to the non-public school population, the indicator predicts 245,460, suggesting that only 47% of these students who should be served are served. (For an explanation of the calculations, see Appendix I.)

Bias in quality of services delivered

We should expect greater proportions of non-public school children to be served than we have found. But the NIE survey uncovered even more striking evidence of possible trouble for non-public school children in the program. The survey showed that public school children received an average of about 5 hours and 30 minutes of compensatory instruction per week in the public school, equal to about 20%-25% of instructional time (*CES Report*, p. 23). Non-public school children received an average of one hour in compensatory services per week.

While differences in the amount of services delivered could be related to the actual needs of the students – non-public school students receiving only 18% of the services given public school students because they needed that much less – that explanation would require that non-public school students identified as eligible for the program on academic grounds were, for some systematic reason, much better off academically than public school students meeting the same objective criteria – an unlikely case. Further, an *average* of one hour of services a week means that many non-public school students receive only a few minutes of Title I attention each week, even though they are counted as participants in the program.

The low level of services provided stretches the dividing line between participants and nonparticipants. It appears that many non-public school students listed as participants do not in fact participate. But caution: The measure of total weekly hours of instruction may be imprecise.

How do LEAs organize and deliver Title I services to non-public school students? Are their approaches equitable?

LEAs can organize their Title I services in a number of different ways. Overall, three factors affect how they manage the portion of the program alloted to private school children:

1. State constitutional provisions and interpretations.
2. Type of program adopted by the district.
3. Discretionary powers of the LEA Title I administrators.

State constitutional problems

The most serious threat to the success of Title I services for private school students comes from state constitutional limitations on the kinds of aid that may be given to non-public school students. A number of state courts and state attorneys-general have ruled that LEAs may not serve private school children at the private school site. Four states refuse virtually all on-site services to non-public school children, while offering such services to public school students. At least one state refuses, on constitutional grounds, either to transport non-public school students to public school sites or to permit dual enrollment.

In the most difficult cases, then, non-public school children are in practice denied all effective aid by the state constitutional interpretation. To remedy such cases, Congress added "by-pass" provisions to the 1974 amendments. "By-pass" is invoked when a state attorney general says that his state cannot constitutionally provide Title I services to non-public school children, or when the Office of Education finds that services are not being given. In either case, a portion of the state's Title I allotment is withheld by OE and given to an independent private corporation under contract to provide Title I services to the non-public school students.

By-pass is proving too cumbersome under present arrangements to be likely to succeed, however. The states have consistently refused to sign statements saying they cannot provide the services, so OE has had to investigate complaints that services were not being given. The investigations are time-consuming and costly and require a much larger staff than OE has available. Investigations must be begun after the district fails to deliver aid (after the school year begins) and must be concluded before the year is out, so that some services can be delivered. It is not clear whether new investigations must be conducted each year, but each district in a state must be investigated separately.

A more common state position is that non-public school children can participate in Title I, but that LEAs cannot deliver Title I services "on site." Public school teachers cannot be placed in a classroom in private schools, these rulings have held. *Federal courts are now considering whether the "off-site" position is a requirement of the Constitution as well.* (See Appendix II.) In mandating off-site services for non-public school children, the courts are requiring that a particular type of Title I program be adopted. The types of programs themselves have consequences for the equal treatment of non-public school students.

Types of programs

Off-site services can be very valuable, but they are always extremely expensive because of the need to transport the children; they are also costly in terms of class time, since the children need to be transported in two directions during the school day. The benefits of taking children from their home school to another site during the school day must be substantial—and the services at the central location impossible to duplicate at the home school—before any district will design such a program as a basic Title I component. Some exemplary programs of this type exist in the districts surveyed, but, ironically, these programs did not permit non-public school children to participate.

Off-site programs can be good when the basic reason for choosing an off-site location is academic desirability. In such cases, the entire Title I program is built around the central off-site component. But if the Title I program is designed as an on-site program and only non-public school children are drawn off site, the program puts the non-public school children at a disadvantage.

The delivery of services off site is always a difficulty for districts where public and private schools are separated by great distances or where transferring children from one school to the other risks dangers. But as the approach is administered in several districts, it cannot possibly be equitable. Reminiscent of Catch 22, some districts have established a separate allocation of Title I funds to purchase services for non-public school children. They then charge the additional expenses incurred to supply the off-site facility and transportation costs to the non-public school budget. Frequently the costs are such a drain on the allotted budget that no money remains for services. *The State of Oklahoma, for example, has spent virtually all its Title I money for non-public school children on the purchase of three mobile units that permit it to serve the children off the private school site.* The City of Milwaukee, laboring under state constitutional restrictions, spends $220,000 a year—a substantial share of its Title I funds for non-public school children—renting off-site facilities.

Establishing separate budgets for the non-public school children's portion of the Title I program is possible under present regulations, and has even been required by some states in an effort to make the provision of services to these students more fair and less variable. The practice is one of the many in which the Title I administrator exercises discretionary powers that affect the quality and quantity of non-public school student involvement. It aids large districts and hinders small ones.

Discretionary powers of LEA administrators

At many points in the administration of Title I programs, *LEA officials have discretion to adopt rules that dramatically affect the proportion of non-public school children identified as eligible for the program or selected as participants.* Because administrators most often consult with their school boards or advisory committees in making decisions, their decisions reflect the play of contending political forces in the community. When local school politics has given a great deal of authority to public school principals, the principals tend to obtain similar authority over the direction of Title I in their schools. The organization of Title I tends to imitate the existing organization of the public schools.

The specific points LEA authorities decide, which affect either the opportunity of private school students to participate or the quality of services offered them, are:

- Identification of the target area
- Assessment of student needs and related decisions about program objectives
- Identification of potential eligibles attending non-public schools
- Testing for academic eligibility
- Identification of participating schools
- Allocation of Title I resources to delivery sites (public and private schools)
- Planning for specific program of service delivery
- Selection of Title I teachers and aides
- Management of Title I teachers and aides
- Selection of participating students
- Program evaluation
- Operation of the parent advisory committees and district advisory committees

Each of these discretionary points affects either the definition of which students will be eligible, of how many and which students will be chosen to participate, and of how much and what kind of services they will receive. The following discussion, which highlights the preliminary results of our study, will concentrate on points which we found have substantial effects on non-public school participation.

Eligibility criteria: Administrators make several decisions which, while they did not bias the program against the interests of the non-public school children, affect the proportion of these children eligible for the services. Title I administrators must establish a threshold of academic need in order to identify eligible students. We have found the threshold set at the 49th percentile in some districts, so that all children below grade norms were eligible. In others, the threshold was as low as the 15th percentile, so that only the least successful students—in the upper grades, those two or more years behind—were found eligible.

A smaller proportion of non-public school children are so severely deficient, in part because of selection by parents and in part because the non-public schools have been consistently more successful in teaching basic skills to low-income students. Thus if 55% of the public school students are eligible when the threshold is the 49th percentile, and 20% when it is at the 15th percentile, the corresponding figures for the non-public school population might be 25% at the 49th percentile cut-off, and 6% at the 15th. Whichever cut-off is used, the same number of children are likely to be served in Title I, the higher cut-off simply requires a greater concentration of funds at the point of selecting participants than the lower. At the higher cut-off a lower percentage of eligibles can be served. By establishing a more stringent standard for participation, an administrator can limit the flow of services to non-public school students.

An administrator has a similar ability to affect the number of non-public eligibles by concentrating the size of the target area. New York City found that, under some economic criteria, it could concentrate Title I services in just four of the five boroughs; under other economic definitions, it could serve all five. Administrators can gerrymander target areas to concentrate services in neighborhoods that have few non-public school students.

We have found no evidence of deliberate manipulations of either thresholds or target-area size to reduce the flow of services to non-public school students in any district surveyed. But such evidence would be difficult to obtain since it depends on why specific criteria were chosen. Criteria that affect the size of the eligible non-public school population also affect the number of public school sites that can be served within the district. So the non-public school student's interests are defended by political pressures within the school system to spread the services more widely among public school sites.

But administrators can affect the size of the non-public school eligible list simply by not looking for eligible children. We found that *in about 50% of the districts surveyed, the LEAs had taken no systematic steps to identify the size of the non-public school population in the target area.* Most LEAs wait for non-public schools to ask that their students be considered for the program. But few public school districts have publicized the program sufficiently to permit non-public school officials to decide whether they might be intersted.

In general, we found that LEA administrators did not involve non-public school leaders in the planning of the Title I program, nor did they keep private school leaders informed enough to permit the development of a program that could meet the needs of private school children.

In non-participating private schools, we found great misunderstanding about what the program offers and how it affects private schools. We found many private school officials who refused to cooperate by supplying names of eligible children. And, since only a few LEAs search independently for non-public school students for the Title I program, these private school officials had the final word on their children's participation in the program. Permitting these officials to nave the final word on whether their students will receive Title I services circumvents the child-benefit aspects of the law.

The question of eligibility criteria affects more than the *number* of non-public school children who will be identified. It affects the quantity and quality of services these children will receive.

Budget allocation: All larger LEAs (and most smaller ones) calculate a budget for non-public school student services. The approach stops the constant competition between public and private schools for resources, and it is reasonably easy to administer. But it has substantial disadvantages: It ties the fortune of the private school child to the general characteristics of the private school system. Inevitably, the child receives poorer quality services than those given public school children and is deprived of equivalent services simply because he or she is enrolled in private school.

LEAs establish these budgets in several ways; the way the budget is set up is important to the question of equitability for private school students. Some LEAs simply estimate the proportion of their

Title I funds which should serve non-public school children. In one midwestern state, LEA officials have decided that the public and private school populations are so similar that the private schools ought to receive a percent of services equal to the percent of all students in the area that they enroll. If the New York ratios are a reasonable guide, the midwestern approach substantially overstates the non-public school student services. In New York and other communities in the New York area, guesses were made strictly on the intuition of the Title I administrator; subsequent censuses of eligible non-public school children found that the official guesses supplied only half the funds that the non-public school sector should have received.

Perhaps the most spectacular mis-estimate we uncovered was in one Western city, the headquarters of an OE regional office. *In this city, 4% of the Title I allotment was allocated for services for non-public school children, even though the private schools enrolled a higher proportion of minority students than the public schools and enrolled approximately 24% of all students.*

The 4% figure was used because it equalled the percentage of children receiving public assistance (AFDC) and enrolled in private schools five years earlier, when the last such examination of the records was made. The school system, in reallocating its resources for the use of private school students, imposed a formula half again more strict than the one used by the federal government itself. Title I entitles local districts to funds for Title I purposes according to a formula which counts children residing in low-income families and adds a special bonus count for children receiving public assistance.

Even when AFDC is not directly used as the basis for redistributing funds, it causes difficulties for non-public school children. Frequently, families with incomes below poverty level send their children to private schools for cultural reasons or to avoid entanglements with immigration authorities. Many school districts use the AFDC count of students in the assignment area of a public school as the basis for determining whether the school is to be a target area school. Areas where those poor reside who will not enroll for welfare aid do not become targeted, and the children living in them are not Title I eligible. For example, several Chinese communities on the East and West coasts have been growing rapidly in recent years. Immigration authorities will not permit a family which has become a public charge to sponsor the immigration of additional relatives. So because few Chinese in these communities enroll in public assistance, their public schools are not selected as Title I target schools.

The school lunch count, used instead of the AFDC count in many communities, similarly disproportionately affects non-public schools. For many reasons, parents are reluctant to give detailed financial accounting necessary for enrolling a child in the free lunch program to the public or private school authorities. Areas with concentrations of such parents are less likely to be chosen as target areas; these areas are likely to have greater concentrations of non-public school children.

Virtually everywhere school systems allocate a budget for non-public school services proportionate to the percent of eligibles in the whole system who are enrolled in the non-public school, the private school students fail to receive sufficient resources for their needs. The problem stems from the administrative practice followed in Title I of identifying the target area with the assignment area of the public school. The economic characteristics of people within the assignment area become the bases for establishing the school as a Title I target school. All children within the public school are then eligible on the basis of residence and must meet only the single additional criterion of academic need. But in the non-public school, only those children living within the public school attendance area are eligible on the basis of residence. So the private school operates at a significant handicap in terms of its need to establish an eligible population of sufficient size to permit it to be selected as a delivery site.

The approach of defining the target area by the public school attendance area presumes that all schools are neighborhood schools, but in communities undergoing extensive integration reassignment, such as Boston, Denver and San Francisco, this approach results in large sections of relatively more affluent portions of the community becoming Title I eligible, and sections of the lower income areas of the inner city ineligible because students from those areas are bused to public schools in wealthier neighborhoods. The private schools drawing students from those inner-city areas find that their students are ineligible for Title I services because their inner-city area is no longer a target area.

The more integration is resisted by whites who flee the system, the larger the officials must make the areas in the white community which are reassigned into the inner-city school's attendance basin. The larger these areas become, the larger the proportion of Title I eligible students who come from wealthier neighborhoods.

In one Eastern city, the Title I officials refused to consider the requests of private school principals, whose children resided in these more affluent target areas, for a review of their students' eligibility on academic grounds. In many cases, we found that public school officials allocated Title I resources according to their own estimates of expected enrollments in the public and private schools in the following September. These projections are invariably high for public schools, but not for private schools. In New York State, officials estimate that public school Title I enrollment projections are 10% high. Discrepancies as large as 25% greater than actual enrollments have been found in the course of this survey, but Title I officials have refused to readjust the allocations between public and private schools.

In a related matter, the amount of services made available to non-public school children is also affected by money the Title I officials take "off the top" of their allocation, before they determine and apply the formula that establishes the private school portion. Chicago runs an experimental preschool education program so expensive that it consumes almost a third of the system's Title I funds. Private school children receive a proportion only of what is remaining.

Quality of programs. The quality of Title I programs offered to non-public school students is obviously a function of the size of the budget given to their needs. We found that in smaller school districts, formulas which established the Title I budgets for non-public school children consistently established programs in which nonpublic school children received far inferior services. *In one small California district, the eligible children in the three non-public schools received the use of some Title I library materials and unsupervised labs. The public school children received bilingual services, diagnostic reading and math services, and specialist instruction. In this district, the Title I administrator regarded the needs of the non-public school children (primarily children of Spanish-speaking immigrant agricultural workers) as more serious than those in the public schools and actually gave the non-public schools more than permitted under the formula.*

Even in larger school districts, similar problems exist when the district establishes the non-public school allotment on a school-by-school basis. The student base is too small to permit effective concentration of services. Often it is too small to permit the system to allocate a Title I teacher to the eligible students.

But other factors also affect the quality of the program. Non-public school officials universally commented that the needs of their students were not examined until after the public school program had been set, and that non-public school children were denied support they should have received because of it. For example, Soviet Jews immigrating to one Eastern city have entered Jewish day schools almost exclusively. The city did not include a bilingual Russian component in its program because it did not have Russian-speaking children in its public schools, and it did not know of their presence in the private schools until too late. Subsequently the system simply refused to develop a Russian language bilingual component on the grounds that it did not face the problem in the public schools.

Ironically, good planning can produce some of the worst biases. Ten of the 14 states funding state compensatory education programs exclude non-public school children from services, but many of these states require comprehensive planning at the LEA level to integrate all compensatory services within a single approach. Title I takes care of half the problem, the state program the other. But only Title I is available to non-public school children. Because of the efficient planning, the available services meet only half the needs of non-public school children. In addition, the presence of the state compensatory program has encouraged in some states a geographic specialization, with the state program serving the neediest areas and the Title I serving the next neediest. This approach—now planned for California—will eliminate from eligibility the non-public school children living in the most impoverished areas of a district.

Finally, some districts have consistently assigned their least experienced teachers to the non-public school services. Some districts have refused to permit teachers of non-public school pupils to hold tenure lines, because the district could not fund that portion of the program on its own. Other districts solve the problem of inequitability that results by permitting none of their Title I staff to be on tenure lines, and requiring that all be part-time or temporary staff. These districts refuse to commit their funds to support any phase of the program in case the federal funds are cut or the federal program is dropped. In most cities, Title I teachers of public school children hold tenure lines.

Where are the difficulties? A summary of findings

In the cities surveyed, officials of every type of non-public school with children in the Title I programs reported Title I services significantly aided those of their students participating. They also frequently reported that Title I has been responsible for a developing consciousness of the special academic problems of children residing in lower-income areas within their own school systems. Their major concern—itself a compliment to the program—was that it be expanded to include more of their students with serious learning difficulties.

The majority of the LEA administrators surveyed reported that their LEA's exemplary programs were serving private school children. Several large districts reported that their non-public school student programs were the most successful in bringing students to grade level and graduating them from the program and that improvements in achievements by these students were raising the district-wide averages.

Despite the potential for conflict between the LEA and the private school, private schools report few and minor instances of interference in their regular program caused by Title I, and these have been resolved at the local level.

The extent to which Title I serves non-public school students without bias has improved as the program has matured. Nevertheless there is need for improvements. We estimate the program reaches only 47% of the non-public school students who should be eligible for it, and provides them with only about 18% of the services they should receive. In most LEAs children with the same level of educational disadvantage have less chance of receiving Title I services if they are enrolled in private schools, and will receive fewer and poorer services.

A number of characteristics of the present law, its regulations and administration, have produced these inequities:

1. Federal-level problems

The Office of Education does not receive information from the SEAs which would permit it to certify that non-public school children are being appropriately served by the LEAs. In the 12-year history of the program, HEW's program auditors have made no audit exceptions of LEA performance for LEA failure to deliver services to non-public school children. The Office of Education has not defined standards for judging equitable involvement of non-public school children.

2. State-level problems

The SEAs suffer virtually the same problem as the Office of Education. Only 10% of the states consistently examine the degree to which LEAs involve non-public school children. We found only one state that audited LEAs for bias in selection of non-public school students in the absence of complaints. Few states examined the quality or amount of services rendered non-public school students. We found no instance in which an LEA lost any portion of its appropriation through failure to involve non-public school students equitably, as a result of SEA action.

Some form of non-public school sign-off on proposals—accepting participation or acknowledging that participation has been offered—is required by a majority of states. However, these are often of limited value since many states have no lists of the non-public schools within their borders.

3. Local-level problems

The survey consistently found problems at the local level as the result of regulations the LEAs were bound to follow, or of their administrative approaches. Given the manner in which LEAs allocate their services to school sites, the identification of the target area with the public school attendance area—simply an administrative convenience—is causing substantial difficulties. The identification is a particular problem for districts reassigning students for the purposes of integration. In such cases, it has severe affects on non-public school children living in low-income areas which, because of redistricting, are no longer identified as target areas.

Fewer than 25% of the LEAs were found to survey the non-public school population for eligibles. Most districts simply guessed at the size of the non-public school student population and its Title I need. In most cases guesses were unreasonably low, in some cases clearly high.

Although establishing separate suballocations for delivery of services to non-public school students has clear advantages for monitoring purposes, it produces substantial inequities in most LEAs. *The approach ties the quality of services an eligible non-public school student will receive to the characteristics of the general non-public school population. In all but the largest cities, the result is that non-public school students receive far fewer services.*

The public school system has a natural interest in limiting the amount of services for non-public school children; the fewer eligible non-public school children found, the more services to be divided among the public schools. Consequently, non-public school children are served most equitably where the private schools have hired, as their employees, federal program coordinators to ensure that the interests of their children will be met. These coordinators watch out for the interests of all non-public school students, but clearly students attending schools which are not even loosely integrated into systems are less likely to have their interests protected.

It appears that non-public school children need a professional ombudsman who is not subject to the direction of public school officials. In some districts, non-public school principals fulfill this role. But their ability to do so rests on their knowledge of what is done in the Title I program, the size of it, and the criteria for participation. It is especially important that they understand how allocations of services to delivery sites (local schools) are made--information extremely difficult to obtain at the local level. No LEA of the 50 in this survey had an accurate description of the program designed to make clear the program alternatives, the method of selecting pupils, and the basic suballocations within the district. Most private school principals regarded whatever services their students received as a "gift" not to be questioned. A federal requirement that LEAs write up and circulate their Title I planning, meeting schedules, specific criteria for selecting students, programs offered, and basic suballocations to program areas or sites would provide parents and non-public school officials with enough information to act as their own ombudsmen.

The parent advisory committees and district advisory committees are expected to fulfill the function of ombudsmen. However, no LEA surveyed had more than two representatives of non-public school children on the committee, no matter what proportion of its Title I students were in non-public schools. The committees, when they operate effectively, tend to defend the interest of sites, with the non-public school students grouped as a single site.

Non-public school officials consistently complain that the LEAs do not contact them early enough in the planning of Title I programs to ensure that the needs of the non-public school children will be adequately taken into account.

We estimate that less than half the non-public school students who should receive Title I services are receiving them and that these students receive only a fraction of the services they should. We are forced to make estimates because the statistical information supplied by almost all LEAs reflects only those students the districts counted as eligible, and our case studies have often found these counts to be in gross error. Because an LEA frequently does not take the many steps necessary to find an eligible non-public school student, a district's statistics on non-public school participation do not provide a good basis for evaluating the number of eligible non-public school students, the proportion of eligibles served, or the quality of services delivered. We are now conducting studies to establish these figures for districts that have a substantial proportion of non-public school students living within their boundaries.

NIE's district survey has provided baseline data from which we may calculate an approximate number of non-public school students who should be participating in Title I. From that survey we know, for the entire federal program: 1) the total number of public school pupils served; 2) the average rate of eligibility for public school target-area residents; 3) estimates of the average rate of eligibility for non-public school target-area residents; and 4) the percent of eligibles served in public schools. In addition, from NCES data, we know the total numbers of public and non-public elementary school students and the proportion of each with 1975 family incomes below $5,000 and $7,500 (in constant 1967 dollars). In our calculation we are making an important, but reasonable, assumption that there is a relationship between a student's family income and his likelihood of residing within a target area. The target areas are defined as school attendance areas with above-average numbers or proportions of low-income families within their bounds. What family-income level accounts for the largest proportion of Title I target-area residents?

We know that 29% of all public elementary school children are eligible by the dual criteria of residence and academic need, and that only 50% of the children in target-area schools are eligible after the application of the academic criteria. We also know that 31% of all public elementary school children are members of families with incomes of $5,000 or less. So if we set the threshold at $5,000 and apply the 50% average eligibility rule for target-area residents, we would find only about 15% of all public school children eligible, about half the number we know are actually eligible. Clearly, the threshold should be set above $5,000.

Because target areas are defined as having an above-average number of low-income children, they will, of necessity, have children from higher-income groups. We are making the reasonable assumption, subject to exceptions in some localities, that the lower a family's income (above $5,000) the more likely it is to live in proximity to the lower-income families whose residences, by formula, define the target areas. Hence, a family with a $6,000 income is more likely to live in the target area than one with a $7,000, and the $7,000 more likely than one with an $8,000, and so on.

Fifty-two percent of all public elementary school students come from families with incomes of $7,500 or less. This is close to the number of public school students living within target areas, approximately 58% of all such students. The $7,500 family-income threshold is an approximate and clearly conservative indicator of target-area residence, especially for our purposes. Private school children are more likely to come from families with slightly higher incomes than public, even in target areas where all the children are from lower-income families. Therefore, to the extent that the threshold figure is too low, it will lower our estimates of the number of non-public school children who should be served. Thirty-five percent of all non-public elementary school children come from families with incomes of $7,500 or less. A proportionate number of children living in target areas, from both public and private schools, should be served in Title I, with one exception.

NIE's survey of administrators established that approximately 50% of public school target-area residents were academically eligible. The proportion of non-public school children would not be as high for a number of reasons:

- The private schools have a reputation for higher achievement rates in inner-city areas and attract parents of more academically ambitious children.
- Inner-city private schools spend more time on

educational basics.

- Inner-city private school children score higher on the achievement tests used for Title I eligibility, especially at the upper-elementary levels.

New York City has found that about 33% of the private school children known to be resident in target areas, and tested for eligibility, qualify academically for Title I services. We will use this proportion in calculating the number who should be served nationally (see table).

Finally, NIE's study found that 66% of all eligibles were served. Applying these proportions, we find there should have been 245,460 non-public elementary school children served in Title I, whereas NIE's survey found only 116,218 served. Thus only 47% of those who should be served are served.

ESTIMATES OF THE NUMBER OF PUBLIC AND NON-PUBLIC SCHOOL CHILDREN SERVED BY TITLE I, BASED ON FAMILY INCOME OF THE STUDENT AND TITLE I PROGRAM INFORMATION, 1975

	Students Enrolled	Students in Families under $7,500 Income		Eligible Residents		Participants Estimate (66% of Eligibles)	Participants NIE Count
Public	30,256,000	52%	15,733,000	50%	7,866,500	5,191,890	5,900,000
Private	3,220,000	35%	1,127,000	33%	371,910	245,460	116,218

Note: All figures in these calculations are for 1975, but dollar amounts have been translated into 1967 dollars, as reported in Mary A. Golladay for the National Center for Education Statistics, *The Condition of Education, 1977,* GPO 017-080-01678-8, pp. 74-75, 190-191.

*New York City's lower rate of academic eligibility of non-public school children was used in calculating national rates of participation.

Appendix II

The Supreme Court has slowly developed an interpretation of the strictures the First Amendment imposes on state support of non-government schools. The child-benefit approach of Title I–the approach primarily responsible for the substantial regulative impact of Title I on local public school systems–was adopted to meet Supreme Court rulings. The Court has recently begun to consider the child-benefit approach in more detail, and its rulings will affect the future shape of Title I. The following memorandum sets out the directions the court is taking which may alter the involvement of non-public school children in Title I.

Thomas Vitullo-Martin

Memorandum: Title I Programs and Constitutional Adjudication

by George Anastaplo (October 3, 1977)

I. The opening lines, in the Opinion of the Supreme Court of the United States in *Wolman* v. *Walter* (June 24, 1977), read, "This is still another case presenting the recurrent issue of the limitations imposed by the Establishment Clause of the First Amendment, made applicable to the States by the Fourteenth Amendment, . . . on state aid to pupils in church-related elementary and secondary schools." 45 U.S.L.W. 4861-4862. These lines remind us that it has long been difficult to determine with assurance what the law in this matter is and what it is likely to be.

Our immediate concern in attempting such a determination is with Title I programs, particularly as they appear in the light of what the Court has said and done in *Wolman* v. *Walter*. I take as a useful description of the Title I programs for this purpose Thomas Vitullo-Martin's draft report to the Compensatory Education Evaluation Section, National Institute of Education, "On the Comparability of the Involvement of Non-public School Children in ESEA Title I Programs" (August 16, 1977), p. 13:

> Title I of the Elementary and Secondary Education Act of 1965, as amended in 1974 (also known as the Compensatory Education Act), is broadly formulated to provide remedial education services to children whose education is hindered by their environments. Public school districts, at their discretion, may request to be considered a "local education agency" (LEA) to administer Title I. Title I charges LEAs with responsibility for delivering remedial education services to eligible children within their jurisdictions. All children meeting standards (relative to the local community) for residence in low-income areas, and low rates of scholastic progress are eligible for the program. Eligible children may attend public or private schools or various types of juvenile institutions. Their eligibility is not a function of the type of institution they attend. Allocations are made to states and qualifying sub-units by a formula which considers each area's low-income school age population, weighted by the count of children receiving supplemental public aid. Hence, all children residing in an area are counted for purposes of establishing the allotment. The allotment is not determined by the public school registry, or even by the register of all schools in the area. It includes non-public school students and children not attending school.

II. To devote myself primarily to *Wolman* in this memorandum is not to deny that various of its predecessors may be more critical. But its predecessors do come to bear on this problem, at least for the moment, as they are reinterpreted in *Wolman*. One suspects that these matters keep being raised, and keep being reinterpreted, because they have yet to be settled correctly. Certainly, legislation has again and again to be reviewed in the wake of repeated adjustments by state legislatures to judicial determinations.

Thus, the statute considered in *Wolman* was an attempt by the Ohio legislature to provide aid to church-related schools (or to the students of such schools) in forms which would conform to the strictures laid down in *Meek* v. *Pittenger*, 421 U.S. 349 (1975). It is quite evident in these cases that an effort is being made by supporters of non-public schools to draw upon public treasuries (federal as well as state) for some support of their schools.

That is, the rising cost of running all schools and the growing competition for children of school age have moved non-public school supporters to try, even more vigorously than before, to secure for their schools some of the money non-public school parents and supporters pay as taxpayers. These advocates confront, however, determined resistance by those who regard any allocation of public funds for these purposes to be a blatant, and serious, affront to the constitutional principles incorporated in the First Amendment. The issue becomes, then, that of "fair shares" against "religious liberty."

III. The Court in *Wolman* held constitutional "those portions of the Ohio statute authorizing the State to provide non-public school pupils with books, standardized testing and scoring, diagnostic services, and therapeutic and remedial services." It held unconstitutional "those portions relating to instructional materials and equipment and field trip services." 45 U.S.L.W. 4867.

It is perhaps instructive to notice just how much support on the *Wolman* Court the public funding of each of these six items had:

1) Diagnostic services (on-site)	8 votes
2) Therapeutic and remedial services (off-site)	7 votes
3) Textbook loans	6 votes
4) Standardized testing and scoring services	6 votes
5) Field trip services	4 votes
6) Instructional materials and equipment	3 votes

Various other disbursements seem to be temporarily "settled." The Court can be expected to be unanimous, or virtually unanimous, that tax exemptions for the property of church-related schools and the publicly funded provision of bus rides, free lunches and public health services remain constitutional. Thus, Justice Marshall, who dissented (for the most part) in *Wolman*, suggested that the line "should be placed between [1] general welfare programs that serve children in sectarian schools because the schools happen to be a convenient place to reach the programs' target populations and [2] programs of educational assistance." 45 U.S.L.W. 4869. (He questions the propriety of the textbook loans which go back to *Board of Education v. Allen*, 392 U.S. 236 [1968].)

Still other disbursements also seem to be temporarily "settled" (but in another way.) A majority of the Court, as currently constituted and on the basis of current precedents, can be expected to continue to hold that any direct financial support of church-related schools or teachers, or, it seems, any tuition reimbursements of the parents of church-related school children, is unconstitutional. (The field trip services and the provision of instructional materials and equipment were said in *Wolman* to look too much like such direct financial support.)

Two sets of factors seem to be taken into account by various members of the Court. One set has to do with the on-site, off-site distinction; the other has to do with the public health services, educational program distinction. The more the publicly funded activity looks like public health services, the more likely it is to be upheld. Also, the farther the publicly funded activity is from the site of the church-related school, the less vulnerable it is. Thus, if the critical decisions about the contents of textbooks or of tests are made elsewhere than in non-public schools, then that is somehow more like the public disbursement of health services, less like public interference in the educational policies of church-related schools. (Are field trips, despite their separation from the usual school site, too much like educational programs? Does the school site somehow move with the bus used for the field trip?)

IV. The student of these cases, as he attempts to make sense of them, sometimes suspects that their disposition–the determination of what is permissible, what is not–is somewhat arbitrary. Indeed, one might wonder whether the Court got off on the wrong foot from the outset of the modern development in *Everson v. Board of Education*, 330 U.S. 1 (1947). Did it get off on the wrong foot, not in the disposition of *Everson* (which permitted the funding of bus rides for parochial school children) but in some of the language of *Everson* (which assumed that aid to the educational activities of a church-related school is, for constitutional purposes, also aid to the religious mission of the church sponsoring the school)?

The *Everson* language is drawn upon by Justice Stevens in his (mostly dissenting) opinion in *Wolman*, when he says, "No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion." 45 U.S.L.W. 4870. "Under that test," he goes on to argue, "the financing of buildings, field trips, instructional materials, educational texts, and school books are all equally invalid. For all give aid to the school's educational mission, which at heart is religious." But he does concede, as has Justice Marshall, that "the State can plainly provide public health services to children attending non-public schools. The diagnostic and therapeutic services [here] may fall into this category. Although I have some misgivings on this point, I am not prepared to hold this part of the statute invalid on its face." *Ibid.*

Thus, Justice Stevens lends tentative support to the provision of on-site diagnostic services and to the provision of off-site therapeutic and remedial services. Justice Marshall provides support only for the former. And Justice Brennan supports neither service in the context of a statute which he considers constitutionally offensive in its entirety. Indeed, one suspects that this substantial minority of the Court might wonder also whether the Court got off on the wrong foot in *Everson*–not in the language, however, but in permitting even the funding of an innocuous bus service which has led to various other exceptions to what had started as salutarily comprehensive separationist language. That is, these members of the Court might now wonder whether Justices Jackson and Rutledge were correct in their original *Everson* dissents.

V. Justice Brennan seems particularly appalled by the amount of money provided by the Ohio legislature for the program being approved by the Court: "[I]ngenuity in draftsmanship cannot obscure the fact that this subsidy to sectarian schools amounts to $88,000,000 (less now the sums appropriated to finance [the field trip services and the instructional materials and equipment]) just for the initial biennium." 45 U.S.L.W. 4868. Justice

Stevens responds to this concern: "Like my Brother Brennan, I am concerned by the amount of money appropriated under this statute. But since the Court has invalidated so much of the program, only a much smaller amount may still be involved." 45 U.S.L.W. 4870, n. 4.

I cannot tell from the opinions precisely how much of the appropriation *is* left standing by the Court. It does seem to me, however, that it is closer to Justice Brennan's $88,000,000 than to Justice Stevens's "much smaller amount." Be that as it may, is it not evident that hundreds of millions will now be directed, in state legislatures across the land, to those activities which seem (at least for the moment) to be constitutionally permissible? And as that happens, will that development oblige the Court to reconsider the expenditures of public funds it has permitted to be made on behalf of students in church-related schools? Will expenditures of that magnitude oblige the Court to decide, "once and for all," what is to be considered authoritative in *Everson* and its progeny, the comprehensive language or the expanding exception?

Insofar as magnitude of expenditures makes some Justices of the Court particularly sensitive to constitutional concerns, however, we need not wait for increased state expenditures. There are the already vast expenditures under the Title I programs first established by Congress in 1965.

VI. What, then, should we expect from the Court if it should review the Title I programs? May the magnitude of the expenditures themselves make it appear that the American taxpayer has inadvertently stumbled into the business of heavily subsidizing the educational activities of church-related schools? Or will the specialization of these expenditures, directed as they are to poverty-related deficiencies, be seen as essentially a public-health-like service, if not even as a kind of affirmative action effort (insofar as poverty is related to racial discrimination)?

There is little one can safely predict about precisely how the Court is apt to respond to the sheer magnitude of expenditures under Title I. The Justices can range in their responses from "My God! What have we let ourselves in for?" to "This has been going on for a decade now—and it seems to have had little or no adverse effect on religious freedom!" But that the Court would completely invalidate the Title I programs, as they bear on the church-related schools, seems to me highly unlikely. Conditions may be laid down, however, and more restrictions may be insisted upon.

One critical problem is likely to be whether educational aids can be provided on-site for substandard performers in the church-related schools. *Wolman* does permit diagnostic services on site, but it emphasizes that the therapeutic and remedial services it permits happen to be off-site. (Some of the Justices wondered whether a mobile unit next to a school is really "off-site.") On the other hand, to insist that delivery of the considerable services (under Title I) be off-site may be to insist upon considerable interference by government with the normal administration and activities of the church-related schools. Such interference could be so considerable as to have constitutional significance. Should, then, the on-site prohibition be waived?

Yet once the Court permits obvious educational services, even though of a remedial character and even though performed by public employees, to be delivered on a large scale at the site of church-related schools, relatively little may seem to be left of any constitutional restriction upon public support of the educational activities of church-related schools. Indeed, the only thing then effectively prohibited would be direct financial support of such schools and of the teachers therein. The constitutional prohibition of even such support might then begin to seem artificial, especially if it should become evident that payment of money can sometimes be the least disruptive form of public aid!

Thus the arguments back and forth can be expected to go. It remains to be seen, therefore, whether the Court is prepared to ratify explicitly (and with what consequences) the delivery of publicly funded educational services on the premises of church-related schools not put in the guise of the "general welfare" programs that even so strict a separationist as Justice Marshall seems reconciled to.

VII. Is it not unlikely that programs as massive, and evidently as popular, as those provided under Title I for impoverished school children are going to be struck down for any reason at this stage of our political development? But is not the continued funding of these programs by Congress contingent upon a substantial share of the programs being made available as well to impoverished children in church-related schools?

It does seem to me rather unlikely that the Court, in the foreseeable future, is going to be willing and able to stand by any insistence that massive federal funding is *not* to be made available for elementary and secondary education in this country. But would not the denial of such funds to the support of some of the educational activities of church-related schools have that effect?

That is, the critical factor to consider in predicting how the Court will eventually come to view these matters—especially since relevant constitutional doctrines here are, to say the least, somewhat flexible—the critical factor may well be implicit in the Roman Catholic argument reported by Professor Vitullo-Martin on page 4 of his draft report: Parents who send their children to private schools pay twice for education at the local and state levels; they will not permit the same pattern to be established at the federal level. Thus, federal funds will support either public and private schools together or they will support neither.

Some of the points I have touched upon in this memorandum have been developed by me in other publications of mine. See Anastaplo, *Notes on the First Amendment to the Constitution of the United States* (University of Chicago doctoral dissertation, 1964), pp. 771-789; *The Constitutionalist: Notes on the First Amendment* (Southern Methodist University Press, 1971), e.g., pp. 15-23, 26, 30, 76, 81, 290-293, 436, 484, 497, 508-509, 533, 597, 611-612, 672, 782; "American Constitutionalism and the Virtue of Prudence," in L.P. deAlvarez, ed. *Abraham Lincoln, The Gettysburg Address and American Constitutionalism* (University of Dallas Press, 1976).

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OFFICE OF THE DIRECTOR

0 8 NOV 1977

The Honorable Carl D. Perkins
Chairman
Subcommittee on Elementary, Secondary
and Vocational Education
House of Representatives
Room B - 346C Rayburn
Washington, D. C. 20515

Dear Mr. Chairman:

Thank you for your letter of October 21 commenting upon NIE's reports on compensatory education and requesting additional information on the "follow - the - child "issue.

I have discussed your request with Dr. Iris Rotberg of the Compensatory Education Division, and she has agreed to provide the Committee with a paper on this issue. The paper will include: (1) a brief analysis of the current legal framework as it relates to the "follow - the - child" issue; (2) an examination of the experience with Title I implementation in several of the thirteen demonstration districts which recently underwent desegregation; and (3) the results of a limited survey on Title I implementation in integrated school districts.

Permit me to add that we are delighted that the Committee has found our reports to be useful. We are pleased to be able to supplement those reports with additional papers such as the paper on the "follow - the - child" issue.

Sincerely,

Patricia Albjerg Graham

Patricia Albjerg Graham
Director

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
NATIONAL INSTITUTE OF EDUCATION
WASHINGTON, D.C. 20208

NOV 29 1977

OFFICE OF THE DIRECTOR

Honorable Carl D. Perkins
Chairman
Subcommittee on Elementary, Secondary,
  and Vocational Education
U. S. House of Representatives
Washington, D. C. 20515

Dear Mr. Chairman:

On October 21, you requested that NIE provide you with further information on the "follow-the-child" issue in Title I.

In my response of November 8, I described the analyses which we planned to provide in a paper for the Committee.

Dr. Iris Rotberg and her staff in the Compensatory Education Division have completed the paper which I am enclosing.

We are pleased to have this opportunity to provide further information to the members of the Committee.

Sincerely,

Patricia Albjerg Graham

Patricia Albjerg Graham
Director

Enclosure

IMPLICATIONS OF "FOLLOW-THE-CHILD" PROPOSALS

November 29, 1977
National Institute of Education
Compensatory Education Study

Within the last several years, a number of proposals have been made to amend Title I in order to allow Title I funds to "follow-the-child". As currently written, Title I is designed to provide special services to educationally disadvantaged children attending schools located within attendance areas with high concentrations of low-income children. If attendance areas are changed, the concentrations of low-income children within attendance areas also change. Advocates of "follow-the-child" amendments contend that children formerly receiving services may be denied them since they no longer attend schools within eligible attendance areas.

In response to this possible problem, Senator James Pearson of Kansas proposed a "follow-the-child" amendment as part of the 1976 Education Amendments. Senator Pearson's amendment was not accepted although the Emergency School Aid Act was amended in order to permit 5% of its special project funds to be used to provide services to children who had received Title I funded services and lost them when attendance areas changed as a result of the implementation of a desegregation plan.

The issue of "follow-the-child" continues, however, to be debated. For example, a state superintendent of public instruction recently told the House Committee on Education and Labor that Title I is a deterrent to desegregation since the funds do not "follow-the-child" and parents resist the prospect of their children losing services under desegregation plans.

Desegregation is not the only reason attendance areas change. A local school district told the same subcommittee, on the same day, that because of declining school enrollment, the district was required to close several schools. As a result of the closing of these schools, each of which had qualified for Title I services, children were transferred to other schools which did not, under the redrawn attendance areas, qualify for Title I funded services.

Opponents of "follow-the-child" proposals, however, argue that since only one-half to two-thirds of Title I eligible students are served, the children affected by the redrawing of attendance areas are at no more of a disadvantage than the eligible children who have never received services. In addition, they point to administrative difficulties in implementing such a proposal. They argue (1) that programs at eligible schools might be diluted in order to allow Title I services to follow students to non-eligible schools; (2) that per-pupil costs are high when there are only a small number of children in a school to be served; (3) that comparability would be difficult to monitor and (4) that inequities might result if some educationally disadvantaged children in a particular school received services while others, perhaps with greater educational need, did not. They contend that inadequate funding of Title I prevents districts from serving all their needy children, and that "inequities" in the distribution of services can be prevented only by full funding.

In response to a request from the House Education and Labor Committee, NIE investigated the "follow-the-child" problem in three ways. First, NIE examined existing Title I practices to identify ways in which children in school districts undergoing attendance area changes might lose compensatory services. Second, NIE examined existing Title I regulations to identify potential sources of flexibility which would permit districts to continue serving children after school attendance areas were changed. Third, NIE examined the experience of a large number of desegregated districts to determine whether the problems that existed in theory are actually serious in practice. The findings with respect to the three areas of inquiry are presented separately below.

Ways in Which Students Might Lose Services

Children receiving services in a Title I eligible school may lose them if the school is no longer deemed eligible for Title I funded services. Such a situation might arise for a number of reasons. The implementation of a desegregation plan which alters the attendance areas from which schools draw their students, or declining enrollments in a district resulting in the merger of two or more attendance areas, might radically alter the income composition of attendance areas. As a result, some schools lose their Title I eligibility and students remaining in them can no longer be served.

A second problem is much more frequently cited. It arises when children receiving services in a Title I eligible school are transferred as a result of school attendance boundary changes to a different school which does not qualify for the Title I program. Such a situation could arise under both desegregation and merger plans, and is frequently cited as an obstacle to desegregation.

A variation of this second problem involves voluntary desegregation programs. It has been charged that voluntary desegregation plans are unlikely to be successful if the parent's decision to transfer a Title I child to a new school results in the child being denied services.

Students also lose services because of other changes which are not a direct result of district level decisions to redraw attendance areas. For example, if income levels of residents in a particular attendance area rise appreciably, the school might no longer qualify for services. In addition, in districts with high mobility rates, children may lose services because their families move from eligible attendance areas within a district to ineligible ones.

Sources of Flexibility in the Regulations

As a second part of its analysis, NIE examined the existing regulatory structure to see if the existing regulations are flexible enough to permit districts to continue serving students when attendance areas are changed in the ways outlined above. NIE examined the regulations governing the determination of school and student eligibility for Title I services.[1]

School Eligibility: Schools are eligible for Title I funded services if they are located in school attendance areas with concentrations of low-income children as high, or higher, than the district-wide average. Districts are permitted to compute the average on a percentage basis or on the actual number of children. In fact, they can combine both the percentage and number methods as long as the number of attendance areas deemed eligible does not exceed the number deemed eligible under either method alone.

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[1] See Appendix A for a more complete summary of the regulations.

In addition, several regulations permit exceptions to the general rule outlined above:

- all attendance areas can be deemed eligible if there is "no-wide variance" in the concentrations of low-income children in the attendance areas in school districts;

- a school attendance area that was "formerly eligible" in either of the two preceding fiscal years and received Title I services in either year can be deemed eligible in the current fiscal year;

- attendance areas in which at least 30% of the students are from low-income families can automatically be considered eligible;

- a school can be eligible even if it is located in a non-eligible attendance area, provided that the school enrollment includes a higher number or proportion of low-income students than the district average.

Student Eligibility: The general rule governing student eligibility for Title I funded services is that eligible students shall be those who need special educational help in order to raise their level of educational attainment "to that appropriate to children of their age". If all eligible students cannot be served, the students selected to participate in the programs must be those "most in need" of special assistance.

As was the case with the school attendance area eligibility rules, a number of exceptions exist to the student selection and participation rules. The exceptions are of two kinds: those applying to children residing within eligible attendance areas and those applying to children residing outside eligible attendance areas.

A school district may, at its discretion, serve children who live in an eligible attendance area, but attend an ineligible school, if those children are identified as "most in need" or if they participated in a Title I project the previous year and are still educationally deprived.

The regulations also include an exception to the general school attendance area rules. This exception authorizes participation under certain limited circumstances by eligible children who do not reside in a Title I project area, if (1) the children meet all other participation criteria except residence; (2) their participation will not result in the exclusion of eligible children from the project area; (3) the project has been designed for selected children from the project area; and (4) such participation will neither impair the effectiveness of the project nor result in an extra cost.

Regulations and the Cited Difficulties: Applying these regulations to the difficulties cited by the advocates of "follow-the-child" provisions indicates that the problems they identify are not nearly as serious as they might appear.[2]

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[2] However, districts did report serious problems in the case of mid-year desegregation. The Lawyer's Committee for Civil Rights under Law suggests that when a desegregation plan goes into effect in mid-year, the district, at its option, should be permitted to continue programs at their present location for the remainder of the school year.

The first difficulty identified was that students in eligible schools might lose services because the school attendance area of the school would be deemed ineligible.

The second difficulty was that students under desegregation plans or merger requirements might be transferred to noneligible schools and could no longer be served.

These asserted problems are clearly overstated. The regulations provide considerable flexibility in selecting both eligible schools and participating students, so that many, if not most, of the students likely to be affected by such changes may, in fact, continue to be served. In addition to the normal ranking procedures which are likely to result in many schools retaining their eligibility and others becoming newly eligible, several of the exceptions can be useful.

For example, if a desegregation plan succeeded in integrating school attendance areas not only racially but also economically, it is likely that the "no-wide variance" option could be applied in order to make all district school attendance areas eligible for Title I. Moreover, at least some districts might be able to use two exceptions discussed above in order to continue to serve formerly eligible students: (1) the "30% rule"; and (2) the option to provide services based on actual enrollment in low-income schools outside eligible attendance areas.

The "formerly eligible" rule might also be applied in some districts, although where all attendance areas are redrawn the rule cannot be applied since none of the new attendance areas "formerly" existed.

Finally, the regulations permit students residing in eligible project areas to be served under certain conditions if they voluntarily transfer to a school outside that area.

It is impossible to determine exactly how many children may lose services as a result of widespread redrawing of school attendance areas. But districts do enjoy considerable flexibility which they can use to continue to serve individual children after attendance areas are redrawn. How successful the districts are in using that flexibility can be learned only from a survey of their practical experience.

Survey Results

Use of Existing Regulations: In telephone conversations with 35 school districts[3], district Title I officials told NIE that problems do arise in continuing to serve children when school attendance areas are redrawn on a wide scale. However, the majority of these local officials maintained that the existing regulations provide them the flexibility they need to work out most of the problems they encounter. In general, they appear to rely upon the school selection regulations to adjust the pattern of Title I service delivery; rarely do they attempt to make use of the available exceptions to the student selection requirements in order to continue to serve specific students.

The districts are well aware of the requirement that schools be reranked and eligibility for Title I services re-established after attendance areas change. Moreover, many districts reported that

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3 For a general description of the districts contacted, and the manner in which they were selected, see Appendix B.

reranking completely avoided the possibility that Title I participants might lose services after such changes. Specifically, these districts reported that after desegregation more schools became eligible for services than had been true in the past and that it was possible to reach all previous participants. Ranking on the basis of actual school enrollment was also used and proved helpful in selected cases.

Reranking as a solution to the problem was more successful in the small districts contacted than in the larger ones. In small districts, most schools became eligible after attendance area changes because desegregation resulted in a more homogeneous distribution of low-income children throughout the schools. This finding is consistent with data from the NIE National Survey of Compensatory Education which indicate that all districts which could qualify for the "no-wide variance" exception are small school districts with enrollments under 5,000.

Similarly, small districts which organized schools on new grade level groupings (e.g., one school for K-2, one for 3-6, one for 7-9, and one for 10-12) were also able to handle the problem fairly easily, because regulations permit eligibility to be determined separately within grade spans.

Reranking did not, however, completely solve the problem for some larger districts. As mentioned above, large districts generally cannot qualify for "no-wide variance". This is consistent with the National Survey data which show that there is a much wider variation in the distribution of poverty across schools in large school districts.

The larger districts tried other approaches. For example, where possible, they used the "formerly eligible" exception to reach additional schools. (It should be noted, however, that many districts, despite knowledge of the "formerly eligible" option, chose to ignore it because they felt it would spread the funds too thinly.) In addition, these districts often used other sources of funds to serve schools and students that were not eligible for Title I.

Use of Other Funds: Many districts used other sources of funds to continue delivering compensatory services to students who were no longer eligible for Title I. These sources include the Emergency School Aid Act (ESAA), State compensatory education programs, Title I migrant funds, School Aid for Federally Affected Areas ("impact aid"), and local funds[4].

By far the most frequently cited program for easing these problems was ESAA, a $214 million Federal program, which is awarded in state-by-state competitions and may be used to provide educational services for any student in a school affected by the implementation of a desegregation plan. Seventeen of the districts in this survey mentioned using ESAA funds to aid their desegregation efforts.

Some of these districts use ESAA funds in non-Title I schools to provide special services, similar to those funded by Title I, to ease the problems created when children lose Title I services because of changes in attendance areas. However, other districts do not use the funds specifically for this purpose. The ESAA grants may be used instead at upper grade levels, whereas Title I tends to be focused on the elementary grades, or they may be used for human relations programs rather than basic skills instruction which Title I programs generally emphasize.

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[4] However, at least one district could not comply with comparability requirements when it tried to use local funds to replace the Title I services lost as a result of attendance area changes.

In districts using ESAA funds, however, there remains some difficulty. ESAA money is seen as "soft" money because of the competitive nature of the program; there is no way for districts to know whether they will have funds in subsequent years.

ESAA also provides for a small set-aside (about 1/2 million dollars, or 5% of the special projects set-aside) to be awarded in a national (rather than state-by-state) competition, intended to provide services similar to Title I to children who are moved out of target schools into schools where no Title I services are provided. This set-aside has yet to be implemented but it is a potential source of funds for districts which feel strongly that "follow-the-child" is necessary.

Thus, evidence from the districts surveyed by NIE indicates that the current regulations and the use of supplementary funding permit districts to continue to serve a very high proportion of the students served before attendance area changes were implemented.

There were, however, several districts in which some students lost services. For those districts, NIE attempted to determine the magnitude of the problem. In general, the problem does not appear to be very great in terms of either number of participants excluded or the priority placed by districts on reaching the previously served children. For example, one school district which reported that significant needs remained estimated that these needs existed in three or four of the district's 70 elementary schools.

It should be emphasized that most districts considered the problem of participants losing services to be no greater a problem than the fact that many other needy children remain unserved. Repeatedly, respondents stated that those in need have always exceeded those served, and that the problems stemming from attendance area changes are not unique.

District Reactions to "Follow-the-Child" Proposals: The results of the conversations with school districts indicate that the majority of the districts are not in favor of the "follow-the-child" option. Only 6 of the 35 districts, 4 of them NIE demonstration districts, were in favor of such legislation and felt that it would be useful to them. Moreover, even these districts did not necessarily rate "follow-the-child" legislation as their top priority. Four other districts felt that the "follow-the-child" option would not be useful to them, although other districts might profit from such a provision. Three of these districts were small districts which were able to solve their own problems under the existing regulations; the fourth, a larger district, felt that the option was not administratively feasible for that district. These recommendations were generally accompanied by the caveat that additional funds would in all probability be necessary to implement such a change.

The remaining 25 districts did not support the "follow-the-child" option. Indeed, many of them were strongly opposed to it.

One local official described "follow-the-child" proposals as a "band-aid" for the much more serious problem that Title I is underfunded and districts cannot serve all needy students. A second Title I administrator stated that although educators would be distressed to witness participating children lose services, so many children needed special help that following children would amount to "robbing Peter to pay Paul".

In general, the thrust of these and other comments indicate that many local Title I personnel view "follow-the-child" proposals as being potentially disruptive to the underlying philosophy of the Title I program to serve low-achieving children in schools with the greatest concentrations of low-income children. These respondents feared that adopting "follow-the-child" proposals would result in dispersion of Title I services throughout the district.

In addition, several local administrators cited difficulties that might occur if "follow-the-child" provisions were adopted. These included:

- The likelihood that some children might be followed into non-Title I schools in which equally needy, and even more needy students, were denied services;
- The necessity of providing traveling teams of teachers, at considerable expense, to serve a more widely dispersed Title I eligible population;
- The possibility that "follow-the-child" provisions might, in effect, resegregate children within schools;

- The possibility of increasing racial tensions if minority students from schools eligible for Title I were "followed" into an ineligible school serving a predominantly white student body.

The district personnel did, however, suggest two other changes which they thought might improve the Title I program and also obviate the necessity for "follow-the-child" provisions. First, there was almost unanimous support for full funding of Title I. Second, some districts also favored more flexibility in selection of children, especially through the use of within district allocation of services based on student achievement. Eight of the 10 NIE demonstration districts surveyed favored using achievement criteria. Eight of the other 25 districts also suggested this option as a possible solution.

Conclusions

It appears, from the foregoing, that although there may be some children who lose services as a consequence of adjustments to school attendance area boundaries, the number of such children is not likely to be large.

This conclusion is supported by the following:

- Existing Title I regulations provide districts with considerable flexibility to adjust their programs after attendance area changes.

- Desegregation efforts and declining enrollments do not pose insurmountable problems for effective delivery of Title I services. When attendance patterns are changed, districts do have to readjust their Title I programs and in some cases previously served children lose services. However, the number of schools and students who lose services does not appear to be large and districts generally do not feel that they are left with a major problem.

- The current provisions of the Title I program may complement integration efforts since several districts reported that they reached more schools after integration than before, and that they reached children of both minority and majority populations.

- Only isolated instances of support for a "follow-the-child" provision was expressed by 35 school districts contacted by NIE. The overriding opinion of the districts was that adoption of such a provision would pose administrative problems, could have negative social effects for the children followed, and might well run contrary to the aims of desegregation, resulting in actual resegregation.

- The districts did stress, however, that many needy children remain unserved for a variety of reasons. Almost every district felt that its problems could be alleviated by increased funding. Some districts also favored more flexibility in selection of children, especially through the use of within district allocation of services based on student achievement.

APPENDIX A

Regulations Governing the Determination of School and Student Eligibility for Title I Services

I. School Attendance Area Eligibility

A. Basic Determination

According to the regulations issued by OE, the LEA may use either of two basic methods for determining which school attendance areas within a district are considered as "having high concentrations of children from low-income families". Under the first method, only those school attendance areas with a percentage of children from low-income families at least as high as the district-wide average are eligible to participate in Title I programs ("percentage method"). (116a-20(b)(2)) Under the second method, only those school attendance areas in which the number of such children is at least as large as the average number of such children per attendance area in the district are eligible ("numerical method"). (116a.20(b)(3))

In addition, the regulations permit an LEA to have some areas ranked on one basis and some on the other. However, if a combination of the methods is used, "the number of attendance areas actually designated may not exceed the number of such areas that could be so designated if only one such method had been used". (116a.20(b)(4))

The revised regulations (116a.20(b)(5)) include a new provision which expressly authorizes the use of separate averages and separate rankings by grade span with respect to the application of the general school attendance area eligibility rules and the relevant exceptions, and the general targeting rules and the relevant exceptions.

These regulations also specify that the grade span groupings used for purposes of making school attendance area eligibility and targeting decisions must be the same groups used by the LEA for purposes of reporting comparability.

B. Exceptions

1. No-Wide Variance

The regulations provide that "if there is no-wide variance in the concentrations of children from low-income families among the several school attendance areas in a school district, the whole of that school district may at the option of the LEA be regarded as a project area." The regulations (116a.20(d)) contain an objective standard for determining when a "no-wide variance" situation exists. The LEA may make such a determination "only if the variation between the areas with the highest and the lowest percentage of such children is not more than one-third of the average percentage of children from low-income families in the district as a whole."

2. Formerly Eligible

Where a school attendance area does not meet the eligibility requirements but did meet the appropriate requirements in either of the two preceding fiscal years and received Title I services, that school attendance area shall be considered to meet the applicable criterion for that fiscal year. (116a.20(g))

3. Enrollment Option

The regulations implement this statutory provision by providing a standard to determine when this "enrollment option" may be used by an LEA. (116.a.20(h)) Title I services may be provided to public schools in non-qualifying school attendance areas "if the percentage or number of children from low-income families in average daily attendance at that school is at least as high as the district-wide average percentage or number required" for eligibility on an attendance area basis in accordance with the general school attendance area rules.

4. 30 Percent Rule

In addition, an LEA may specifically request that attendance areas in which at least 30 percent of the children are from low-income families be approved for participation in Title I (116a.20(b)(2)), even where the district-wide average is substantially higher.

II. School Attendance Area Targeting

The Title I legislation (141(a)(1)(B)) provides that payments under Title I must be used for programs and projects "which are of sufficient size, scope, and quality to give reasonable promise of substantial progress" toward meeting the needs of educationally deprived children in low-income areas.

In school districts in which it is not possible to comply with the above statutory requirement and at the same time serve all educationally deprived children in all eligible attendance areas, the regulations include specific rules for selecting the children and the areas which are to receive special assistance under Title I. The regulations explain that the above statutory provision may be satisfied either by limiting the number of children or areas.

A. General Rule -- No Skip Provision

The general rule concerning the designation of project areas from among eligible areas is commonly referred to as the "no-skip" provision. This provision generally states that an LEA may not designate a school attendance area as a project area "unless all attendance areas with a higher percentage or number of children of low-income families... have been so designated." (116a.20(c)(1))

B. Exceptions to No-Skip

1. Higher Incidence of Educational Deprivation

First, an LEA may skip a higher ranked school if a lower ranked school has a "substantially" higher incidence of educational deprivation. Specifically, the regulations (116a.20(c)(2)) provide that a higher ranked school may be skipped

> if such agency can demonstrate, to the satisfaction of the State educational agency, that the incidence and severity of educational deprivation in (the area having a higher incidence of low-income families) is substantially less than in other attendance areas proposed to be designated.

2. Schools Deemed Eligible in Accordance with the Formerly Eligible Rule

Earlier, the "formerly eligible" exception to the general eligibility rules was described. (116a.20(g)) This exception also serves as an exception to the targeting requirements. Thus, a school previously designated as a project area school may continue to be so designated for an additional two years even if it is no longer one of the highest ranked schools.

3. Schools Receiving the Same Nature and Scope of Services from State Sources as Would Otherwise be Provided under Title I

Finally, an LEA may skip a school attendance area as a project area or for inclusion in a project area if it has been designated "to receive (through the use of funds from other sources) services of the same nature and scope as those that would otherwise be provided under Title I," e.g., state compensatory education funds. (116a.20(c)(1))

III. Child Eligibility and Targeting

A. Eligibility

1. Need for Educational Assistance

The term is defined in the Title I regulations to mean "(1) children who have need for special educational assistance in order that their level of educational attainment may be raised to that appropriate for children of their age, and (2) children who are handicapped." (116a.2)

2. Need Not Be Low-Income

"A child may not be excluded from participating in a project because he or she is not from a low-income family." (116a.21(e))

B. Targeting

1. Select Age or Grade Levels to Serve

First, an LEA, based on a review of "existing data... on the performance of the agency's basic programs of instruction of (eligible) children" must select the "age or grade levels at which it will operate the Title I project (or projects)." (116a.21(a))

2. Most in Need

Second, the LEA must determine the children within these groups that will be selected to participate in the Title I program. The children selected must be the educationally deprived children in each group that are "most in need" of special assistance. (116a.21(d))

C. Concentration

The project should be concentrated on a sufficiently limited number of educationally deprived children to show reasonable promise of meeting the educational objectives. (116a.22(b)(5))

D. Exceptions (District Options for Serving Other Children)

1. Targeting Prior Recipients

The revised regulations (116a.21(e)) indicate that a school district may, at its discretion, serve children who live in an eligible attendance area, but attend an ineligible school, if these children are identified as "most in need" or if they participated in a Title I project the previous year and are still educationally deprived.

2. Children Residing outside the Target Area

The general school attendance area rules provide that only educationally deprived children residing in project areas may participate in Title I programs. However, the regulations include an exception which, under certain limited circumstances, authorizes participation by eligible children who do not reside in the project area. The regulations set out four criteria that must be met before such children may participate in a Title I project.

- The children meet all other participation criteria other than residency
- Their participation will not result in the exclusion of children from the project area who meet participation criteria
- The project has been designed for the selected children from the project area and,
- Such participation will neither impair the effectiveness of the project nor result in any extra cost. (116a.22(b)(9))

IV. Other Relevant Regulations

A. Location of Services

Title I projects must be "carried out at locations where the needs of the children can best be served." (116a.19(c)) This suggests that it is appropriate to serve children in any school in the district if they otherwise would receive services and have moved to an ineligible school out of choice.

B. Not Maintaining Racial Isolation

LEAs cannot use Title I funds for building construction that maintains racial isolation. (116.32(b))

APPENDIX B

Survey of Desegregated Districts

NIE conducted telephone conversations with the Title I coordinators in 35 desegregated school districts to determine what problems the Title I regulations had caused during and after the desegregation process. The districts in the sample included 10 of the original 16 NIE demonstration districts which had recently desegregated and a sample of 25 other desegregated districts which were either selected by Applied Urbanetics, Inc., for its study of ESAA or were recommended by the ESAA office.

The sample districts were selected to represent a range of different locations, sizes, population characteristics, and desegregation plans. However, the sample cannot be considered representative of Title I or ESAA districts.

Districts were located in each of the 10 ESAA regions and in urban as well as rural areas. School enrollment ranged from approximately 360 students to 240,000 students; minority enrollment varied from 4% to 91%. Approximately half the districts were operating under court ordered desegregation plans and half were under voluntary plans. The length of time that districts were involved in desegregation ranged from approximately one to 18 years.

The responses of the NIE demonstration districts were compared with those of the other districts to determine whether there were any systematic differences. Aside from the fact that the demonstration districts showed more consistent approval of achievement based allocation, no differences were found.

Districts were also compared to determine whether recency of desegregation was related to their attitudes toward proposed legislative changes. There did not appear to be a relationship.

MAJORITY MEMBERS
[illegible]

MINORITY MEMBERS
[illegible]

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
COMMITTEE ON EDUCATION AND LABOR
SUBCOMMITTEE ON ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION
B-346C RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515

October 28, 1977

The Honorable Ernest Boyer
Commissioner of Education
U. S. Office of Education
Washington, D. C.

Dear Mr. Commissioner:

The Subcommittee on Elementary, Secondary, and Vocational Education held a hearing on October 19th on services and student development under Title I of the Elementary and Secondary Education Act. At this hearing, Dr. Richard Fairley, Director, Division of Education for the Disadvantaged, testified, accompanied by Dr. Thomas K. Minter, Dr. John Rodriquez, Mr. Paul Miller, and Mrs. Genevieve Dane. Due to constraints of time, we were not able to ask all the questions we felt were necessary to completely understand this program and were not able to fully pursue some of the responses we felt were incomplete or unclear.

Therefore, I am submitting a list of questions on the Office of Education's practices with respect to Title I services and student development. I would appreciate your referring these questions to the individuals whom you feel could answer them most completely and appropriately.

Since we would like to make these questions and answers part of our hearing record on Title I, we hope to hear from you at the earliest possible date. The questions are attached to the letter.

Thank you for your consideration.

Sincerely,

Carl D. Perkins

Carl D. Perkins
Chairman

1. (a) What is the present position of the Office of Education on the issue of whether Title I funds and/or services can "follow the child" in districts undergoing desegregation? We are especially interested in clarifying the extent to which application of other Title I provisions and regulations essentially prevent districts from following the child.

(b) Do you believe this policy or the legislation could be modified in any way to give local school districts more flexibility?

2. (a) The National Institute of Education testified before the Committee that the participation of private school children in the Title I program was extremely limited; while 20% of public elementary students participate only 4% of private school children are in programs. Earlier this year we heard testimony from representatives of private schools which asserted that the Office of Education was not sympathetic to involving private school children in the Title I program and that there have been very lengthy delays (sometimes exceeding two years) in acting on complaints in this area.

Could you give us your comments on this issue?

(b) How does the Office of Education determine whether the failure of States or districts to provide services to private school children is sufficient to invoke the bypass provision?

3. The National Institute of Education study seems to find that local school districts used different means of choosing children to participate in Title I programs. Could you tell us what the guidelines from the Office of Education have been on making such choices?

4. Title I regulations require school districts to choose so-called "target schools" in which to fund their Title I programs. As I understand it, these schools have to be chosen because appropriations are not sufficient to fund programs for all Title I children in all eligible schools.

In a National Institute of Education report, however, it is asserted that the target schools requirement is not really being followed since almost all Title I eligible schools receive some funds to operate programs. Have you been aware of this fact and could you give us your views on this finding?

5. The National Institue of Education found that less than one percent of high school students in elementary and secondary school districts were participating in Title I programs. Do you believe that the overwhelming emphasis in the program should remain on elementary school students or should we shift the emphasis to include high school students?

6. According to the National Institute of Education studies, States and local school districts are increasingly using their Title I funds for basic skills, and the only school districts which seem to be resisting this trend are the poor rural school districts which lack other educational resources.

Could you tell us what the Office of Education policy has been on use of Title I funds for basic skills? Have you encouraged States to emphasize such funding?

7. The National Institute of Education study on student development seems to have found that the intensity of instruction given to students is an extremely important factor in the effectiveness of the particular Title I program. Could you tell us whether the Office of Education has tried to encourage local school districts to intensify their instruction in any way?

8. Recently the Subcommittee heard testimony from the National Institute of Education in which it was asserted that no clear evidence showed that either individualized instruction or "pull out" programs were more effective than other means in educating disadvantaged children.

Regarding "pull outs" could you give us your views on why such a high proportion of Title I programs are programs where the student is pulled out of the regular classroom, e.g. 75% of the Title I students in remedial reading are pulled out of class, when there seems to be no clear evidence that this instructional technique is better than others?

Could you also tell us your views on individualized instruction and on how you are implementing the provision of the 1974 Education Amendments encouraging such instruction in Title I programs?

9. A persistent complaint which the Committee has received regarding the Title I program is that once a participating child reaches grade level in reading that child is no longer eligible for the program with the possibility that he or she may fall down below grade level again after leaving the program.

Could you tell us your views on this problem and could you tell us what the requirements from the Office of Education are regarding this issue?

10.(a) A few weeks ago parents and representatives of parents testified before the Committee to the effect that the Office of Education was not being vigorous enough in enforcing the requirements for local parental advisory councils and that as a consequence these councils were not very effective in many school districts.

Do you agree with these statements and do you see any need to strengthen the legislation as regards the parental advisory councils?

(b) Could you also tell us what O. E. policy is on the use of Title I funds for training and travel of parents?

11. The Title I statute requires an annual needs assessment to be conducted of the program by each local school district. During the course of our testimony this year, it has been suggested that this annual needs assessment was not really necessary because the needs of Title I children do not change that much from year to year, and that this requirement was leading to a great deal of unnecessary paper work.

Could you give us your views on whether we could change this requirement to a two-year needs assessment or even a three-year needs assessment?

12. One of the most persistent complaints the Committee receives from local school administrators has to do with the amount of paper work involved with complying with the comparability requirement under Title I. Do you believe that there is any way in which we can simplify the comparability requirement without endangering the reason for it being there?

THE UNITED STATES COMMISSIONER OF EDUCATION
WASHINGTON

NOV 28 1977

Honorable Carl D. Perkins
Chairman
Committee on Education and Labor
House of Representatives
Washington, D.C.

Dear Mr. Chairman:

Thank you for your letter of October 28, and the accompanying list of questions related to the October 19 hearing on the services and student development under Title I of the Elementary and Secondary Education Act.

The questions have been referred to the appropriate staff members and responses will be provided at the very earliest possible date.

Cordially,

Ernest L. Boyer

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

2

Honorable Carl D. Perkins
Chairman
Committee on Education and Labor
House of Representatives
Washington, D.C.

Dear Mr. Chairman:

This is in further response to your letter of October 28 which transmitted 12 questions relative to the Title I testimony given on October 19 to the Subcommittee on Elementary, Secondary, and and Vocational Education.

The questions and answers which relate to Title I services and student development are enclosed. I appreciate the opportunity to submit this material for incorporation into the hearing record.

Thanks for your consideration.

Cordially,

Ernest L. Boyer
U.S. Commissioner
of Education

Enclosure

Responses to questions raised by Congressman Carl D. Perkins:

Question 1.(a) What is the present position of the Office of Education on the issue of whether Title I funds and/or services can "follow the child" in districts undergoing desegregation? We are especially interested in clarifying the extent to which application of other Title I provisions and regulations essentially prevent districts from following the child.

Answer:- Children may be considered for participation in Title I programs on the basis of special educational needs if they reside in school attendance areas that, at the time of the annual application, are eligible and designated for projects. The position of the Office of Education is that any changes in school attendance areas regardless of the reason for those changes, such as desegregation, overcrowding of certain schools, redistribution of children from schools that have been closed, must be recognized. There are no provisions in the statute for including in Title I programs children who, if certain changes in attendance areas had not occurred, would be eligible to participate. If, however, the school to which a child qualifying for Title I assistance is assigned is serving a project area, then the child may be "followed" in the event he or she voluntarily transfers to a school serving a new project area. In short, the "follow the child" concept has limited application on a current basis but no application on a year-to-year basis.

Question 1.(b) Do you believe this policy or the legislation could be modified in any way to give local school districts more flexibility?

Answer: - We do not recommend any changes in existing policies or in the legislation. Additional problems would be created for school districts if they were authorized to consider the needs not only of the children in the currently eligible areas but also to identify and consider the needs of children who during a prescribed prior period of years reside in areas that were then eligible for projects. Such a legislative change could have the effect of forcing some school districts to provide services for relatively small numbers of children at many school sites while trying to serve all of the educationally needy children at the schools serving currently eligible school attendance areas.

Question 2.(a) The National Institute of Education testified before the Committee that the participation of private school children in the Title I program was extremely limited; while 20% of public elementary students participate only 4% of private school children are in programs. Earlier this year we heard testimony from representatives of private schools which asserted that the Office of Education was not sympathetic to involving private school children in the Title I program and that there have been very lengthy delays (sometimes exceeding two years) in acting on complaints in this area. Could you give us your comments on this issue?

Answer: - We do not feel that any firm conclusions on the participation of private school children in Title I can be drawn from the data provided in the report of the National Institute of Education since it is not possible to compare the percentages of participants from public and private schools. As stated in the report, the percentage (20%) of public school participants relates to the public elementary school enrollment of the entire country while the percentage (4%) of private school participants is based on the total number of nonpublic school students living in the Title I districts used as a sample in the study. Since each figure has a different base, any conclusions drawn from a comparison of the two will be inaccurate and misleading.

Moreover, the criteria used for the selection of the sample districts studied did not include any reference to the presence or absence of private schools. As a result, any data or conclusions extracted from the study in reference to the participation of private school children can properly apply only to the districts in the sample and not to participation in the Nation as a whole. If meaningful comparisons are to be drawn in regard to the participation of public and private school participants on a national scale, then, along with the number of participating children in each group, it will be necessary to determine the number of children in each group who are eligible for Title I services. Furthermore, the distribution of private school children may not be even across eligible and non-eligible attendance areas, nor may the incidence of educational deprivation be the same for private school children in eligible and non-eligible school attendance areas. Unfortunately, information on these variables is not available at the present time.

The Office of Education has always responded as quickly and in as positive a manner as possible to all complaints registered with regard to Title I and particularly with reference to the participation of private school children. The length of time consumed in resolving a problem varies from issue to issue. Ordinarily, when a complaint is made, an acknowledgement is sent to the complainant and the State educational agency (SEA) is requested to investigate, resolve the issue if possible, and report back to the Office of Education. Normally, this is not a time-consuming process.

In those cases in which the complaint is accompanied by a request for the U.S. Commissioner of Education to establish a bypass under Title I to provide services on an equitable basis to eligible private school children, a considerable amount of time does elapse before the bypass is actually implemented in specific local educational agencies (LEAs). The time consumed between the point at which a complaint is registered and a bypass is implemented in a given local educational agency is due to the very nature of the bypass and in no way reflective of a presence or lack of sympathy on the part of the Office of Education regarding the involving of private school children in Title I.

The development of the process of implementing a bypass under Title I has consumed considerable time and energy on the part of Office of Education personnel. We have determined that, even under the best of circumstances, a minimum of about one year is needed from initiation to completion of the process. The statute specifically indicates that each local educational agency involved in the process must be given individual consideration and treatment. It is our understanding that the bypass is a mechanism that should be invoked only in situations where it is absolutely necessary to assure equitable participation of private school children in Title I programs. The regulations require that, under normal circumstances, equitable participation should be secured by discussions between appropriate public and private school officials and by agreements made at the local level. Therefore, when a complaint is registered, the Office of Education makes every effort to encourage such local discussion and initiates the bypass process only after it is evident that the discussions will not produce positive results.

The problems which existed in the State of Oklahoma were resolved precisely because the Office of Education fostered and encouraged discussions at the State and local levels. Those discussions resulted in agreements which were acceptable to both public and private school authorities. Similar discussions in Virginia and Wisconsin have not been fruitful and, therefore, the bypass process has been initiated in those States.

In Missouri the bypass has already been implemented in four of the largest LEAs. An additional 80 LEAs with eligible private school children remain to be investigated. Since the SEA does not agree that State law prohibits Missouri LEAs from providing services to eligible private school children which are comparable to those provided to eligible public school children, it is necessary to gather precise information on the Title I program in each LEA to enable the Commissioner to determine whether or not there has been substantial failure to provide services to eligible private school children on an equitable basis. We are presently negotiating with the SEA to come to an agreement on the method whereby that agency will provide the information needed on each LEA in as timely a manner as possible.

Question 2.(b) How does the Office of Education determine whether the failure of States or districts to provide services to private school children is sufficient to invoke the bypass provision?

Answer: - The Office of Education bases a determination as to whether or not an SEA or LEA has substantially failed to provide Title I services to eligible private school children on a study of the total Title I program and all available documentation. This includes a review of the annual Title I application of the involved LEA which has been approved by the SEA, and additional information provided by the SEA in response to questions concerning the number of educationally deprived public and private school children residing in the project areas, the number of participants from each type of school, the nature and type of services provided to public and private school students with emphasis on the time, location, and frequency of services and an explanation of any differences in the services. In addition, an on-site investigation of the Title I program is conducted to gather additional information and data on the program. During the investigation both public and private school officials are interviewed along with Title I teachers, classroom teachers, and parents.

A report on the program based on the investigation and review is prepared to enable the Commissioner to make a determination as to what action, if any, should be taken. A determination of this nature is based on the answer to either or both of the following:

a. Are the eligible private school children provided with a genuine opportunity to participate in the Title I program? Time, location, and frequency of services are the major factors taken into consideration.

b. Are the services provided to the eligible private school children comparable in quality, scope, and opportunity to participate as those provided to public school children with needs of equally high priority? The major factors taken into consideration in making this determination are: the nature of the needs assessment, the nature and type of instructional and support services provided, the number and qualifications of instructional personnel, and the amount, type, and accessibility of equipment.

Question 3. The National Institute of Education study seems to find that local school districts used different means of choosing children to participate in Title I programs. Could you tell us what the guidelines from the Office of Education have been on making such choices?

Answer: The regulations governing Title I indicate that preliminary decisions on needs assessment and identification of participants should be based on appropriate existing data which include past evaluations of Title I projects in the LEA and data on the performance of children in eligible attendance areas in the agency's basic program of instruction. The Office of Education issued, several years ago, a Program Support Package for LEA guidance which indicated that such data could be either objective or subjective or a combination of both. Objective data would consist of school records, existing test scores, and the like, while subjective data would consist of the professional judgment of teachers and the recommendation of parents and other knowledgeable persons. On the basis of such information, LEAs select the grade levels and areas of emphasis for their Title I programs.

In addition, the regulations authorize the LEA to obtain any additional objective data needed, in combination with already existing data, to select the children most in need of assistance. It is from among these children, and those residing in a project area who participated in a project during the previous year, who are still in a grade level to be served, and who are still educationally deprived, that participants are selected for the Title I projects. The criteria used in making this selection are left to the determination of the local educational agency since the Office of Education has no knowledge of the type of data available to each LEA and does not wish to indicate specific tests to be used.

Question 4. Title I regulations require school districts to choose so-called "target schools" in which to fund their Title I programs. As I understand it, these schools have to be chosen because appropriations are not sufficient to fund programs for all Title I children in all eligible schools.

In a National Institute of Education report, however, it is asserted that the target schools requirement is not really being followed since almost all Title I eligible schools receive some funds to operate programs. Have you been aware of this fact and could you give us your views on this finding?

Answer: - Title I Regulations require that under certain conditions LEAs identify eligible attendance areas on the basis of economic criteria. Of the 13,721 currently participating LEAs, 8,629 are exempt from this activity on one of the following bases: (a) the LEA has only one attendance area; (b) it has demonstrated no wide variance in the evidence of poverty district-wide, or (c) all of its attendance areas qualify because they exceed the 30 percent poverty level as indicated by free school lunch data. The remaining 5,092 LEAs actually select eligible attendance areas.

We are not aware of any LEA that receives an allocation large enough to serve adequately all educationally deprived children in all eligible attendance areas. Accordingly, there is a necessity to concentrate services on fewer children in order to achieve significant results.

Some LEAs restrict services to less than the total number of eligible schools. By so doing most of the educationally deprived children in these schools can be served.

Other LEAs provide services to students in all eligible schools. In each of those schools the concentration of services is achieved by serving a smaller proportion of the educationally deprived children in each of the eligible schools. This results in serving about the same number of children for a given dollar amount, but in effect serving children who, on the average, are lower achievers than in the case where services are limited to fewer schools. The statute and regulations allow each local educational agency the flexibility to select either approach.

Question 5. The National Institute of Education found that less than one percent of high school students in elementary and secondary school districts were participating in Title I programs. Do you believe that the overwhelming emphasis in the program should remain on elementary school students or should we shift the emphasis to include high school students?

Answer: - The Office of Education continues to support the principle that Title I must be responsive to the needs of educationally disadvantaged students as determined by local educational agencies. If a local school district conducts a needs assessment as required by the regulations, and determines that the incidence and severity of educational deprivation at the high school level is of a higher priority than that at the elementary school, then the district should and does have the freedom to design a program to meet the special educational needs of the educationally deprived secondary students.

If additional funds were made available so that more eligible students could be served by Title I, the Office of Education would suggest that State and local educational agencies review carefully the needs of secondary students.

Question 6. According to the National Institute of Education studies, States and local school districts are increasingly using their Title I funds for basic skills, and the only school districts which seem to be resisting this trend are the poor rural school districts which lack other educational resources.

Could you tell us what the Office of Education policy has been on use of Title I funds for basic skills? Have you encouraged States to emphasize such funding?

Answer: - The Office of Education's policy regarding the use of Title I funds for basic skills has been to join with States in encouraging local districts to fund projects which attempt to raise the level of educational attainment of educationally deprived children. Parents, teachers, and administrators realize that the key to improving the educational performance of students depends on basic skills mastery. Without the necessary skills in reading, writing, and mathematics, raising educational attainment levels would be very difficult, if not impossible.

The Office of Education emphasizes that State educational agencies review local educational agency applications to determine that needs assessment procedures meet the requirements specified in the regulations and that these procedures are actually implemented as approved. The regulations require that as part of the needs assessment process, each LEA review its data on the performance of children residing in eligible attendance areas in the district's basic programs of instruction. These data along with other appropriate data must be reviewed to determine the incidence and severity of educational deprivation in existence in eligible attendance areas so that project areas, ages, and grades to be served may be determined, and the types of educational needs to be addressed by projects may be identified. These decisions are based on the establishment of priorities and as the National Institute of Education studies point out, basic skills rank very high on local districts' lists of priorities. It is interesting to note that in the Followup Case Studies conducted by NIE, the great majority of districts emphasized the priority of instructional goals in their programs and indicated that if they were to receive sizable increases in their Title I grants, they would stress improving or expanding their Title I instructional programs rather than expanding or adding to their auxiliary service programs.

The Office of Education is, however, guided by the principle that Title I is a locally designed and implemented program. Decisions as to the best way to meet the special educational needs of educationally deprived children should continue to be made at the local level. Title I projects reflect the uniqueness of each district, and at times because of the needs of students and the lack of available resources, districts use Title I funds for activities such as guidance and counseling, psychological services, and social services considered necessary to facilitate Title I instructional activities.

Question 7. The National Institute of Education study on student development seems to have found that the intensity of instruction given to students is an extremely important factor in the effectiveness of the particular Title I program. Could you tell us whether the Office of Education has tried to encourage local school districts to intensify their instruction in any way?

Answer: - The Office of Education has tried to encourage local school districts to intensify their instruction for disadvantaged students. According to the National Institute of Education's study on student development, intensity of instruction relates to time spent by a child in an instructional setting. This, in turn, is dependent upon class size and length of the instructional period.

The Office of Education identified a number of exemplary Title I projects which have been approved by the Joint Dissemination Review Panel for national dissemination. These projects have a relatively high intensity of instruction with an average class size of seven and an average of 4.5 hours per week of instruction per class.

The Office of Education is currently increasing its emphasis on the improvement of program quality. This is done through technical assistance provided during program reviews, other on-site visits, and conferences. We are also making a special effort to make these exemplary projects highly visible in order to stimulate their adoption by LEAs who may have similar program needs and a desire to upgrade their Title I programs. This endeavor entails the inclusion of a number of these projects in the National Diffusion Network with a small allocation of funds from that source. These funds are used to develop and disseminate materials and to support the exemplary project staff in providing training to staffs of LEAs who may wish to replicate the project.

The Office of Education's stated goal for this special dissemination effort is 300 adoptions for 1978-79 school year. Although intensity of instruction has been encouraged in the past, a special effort is being made during the 1977-78 school year to encourage adoption of exemplary projects which have intensified instruction for disadvantaged students.

Question 8. Recently the Subcommittee heard testimony from the National Institute of Education in which it was asserted that no clear evidence showed that either individualized instruction or "pull out" programs were more effective than other means in educating disadvantaged children.

Regarding "pull outs" could you give us your views on why such a high proportion of Title I programs are programs where the student is pulled out of the regular classroom, e.g. 75% of the Title I students in remedial reading are pulled out of class, when there seems to be no clear evidence that this instructional technique is better than others?

Could you also tell us your views on individualized instruction and on how you are implementing the provision of the 1974 Education Amendments encouraging such instruction in Title I programs?

Answer: - There are a number of reasons why schools may be providing Title I services to children in a setting other than their regular classroom. First, if the children have special problems, it is easier to set-up a laboratory with varied materials and equipment in one place, rather than have services provided in a decentralized manner. Second, it may cost less to serve the same number of children at a central location rather than attempting to replicate special materials and equipment in each regular classroom. Third, it would be more disruptive to schedule and provide assistance to a small number of children in each regular classroom while the regular teacher conducts other teaching than it would be to have one or two children at a time leave the room to receive help elsewhere. Fourth, children from a few classrooms may be served at the same time if their needs are similar, thereby permitting greater individualization of instruction. Fifth, it is easier to concentrate services and to avoid dilution of services resulting from services being given to less needy children in the regular classroom. Sixth, by providing services outside the regular classroom, it is easier to maintain a clear audit trail. Seventh, all of the Title I projects that serve grade 1 and above nominated by SEAs and disseminated nationally as highly effective are projects that use pull-out strategies.

At this point it may be helpful to review the two sources of data NIE used to compile its reports. The source of data (reported in "The Effects of Services on Student Development) on pullout versus mainstream was from a non-representative sample of 400 classrooms in 100 schools from 14 school districts with stable compensatory programs. Since these programs are stable, implementation problems have undoubtedly been resolved. This coupled with their non-representativeness make it impossible to generalize nationally about which method of providing services has greater impact. In addition, one cannot determine if children with similar needs were served in pullout and in mainstream settings. Also, in these 100 schools, location of services needs further analysis in order to determine if the mainstream services are in effect "pullout" within the classroom; that is, a part of the room is set-up with lab-like materials and equipment and educationally needy children leave the regular environment, but not the room, to be served. Despite these limitations the report concluded that mainstreaming appears more effective in grade 1 while in grade 3 impact is about the same in reading but pullout programs result in greater gains in mathematics. By grade 3, therefore, children may profit more from pullout services, the report indicates.

The source of information on the percentages of children receiving mainstream and pullout services was the representative sample of 100 school districts with grades K-8 (reported in "Compensatory Education Services"). However, this study does not provide any data on the relative effectiveness of pull-out and in-class programs. Thus, the factors mentioned above rather than relative effectiveness may well account for the large percentage of pullout programs.

On the issue of individualized instruction, as part of the needs assessment process, Title I schools are advised to collect data to determine the special educational needs of each educationally disadvantaged child, to categorize identified needs and to design programs to meet these needs. Regulations, as does the legislation, encourage schools to develop an individual educational plan for each Title I participant. OE policy is to encourage individualization of instruction, i.e., gearing instruction to the needs of each child. Such instruction is not limited to a one-to-one student-teacher relationship. Small groups of children with similar needs may be taught together. Of the successful Title I projects disseminated nationally 96.8 percent direct services to individual needs of participants. Upon completion of OE's "Study of the Sustaining Effects of Compensatory Services" more comprehensive information will be available on the effect of various types of individualization as well as mainstream and pullout services.

Question 9. A persistent complaint which the Committee has received regarding the Title I program is that once a participating child reaches grade level in reading that child is no longer eligible for the program with the possibility that he or she may fall down below grade level again after leaving the program.

Could you tell us your views of this problem and could you tell us what the requirements from the Office of Education are regarding this issue?

Answer: It has been the policy of USOE that a child may be selected for Title I services if he is not performing at a level appropriate for his age (as determined by the local educational agency) and continue to receive services until he achieves at a level appropriate for his age or until he moves into a grade in which the LEA offers no Title I services. This policy has been based on the Title I legislation which declares its purpose to expand and improve local educational programs to meet the special needs of educationally deprived children. Therefore, once a child is able to perform at the level appropriate for his age, he no longer receives Title I assistance, but is replaced by another educationally needy child.

Although some children may fall behind once Title I services are terminated, data documenting the extent of this is not available nor is data available regarding how long after a child reaches grade level performance he should continue to receive Title I services in order to maintain his progress. In the absence of such information and in light of the large number of children in need who are not being served, children who perform at their appropriate grade level are replaced by children who are performing at levels substantially below their grade. When available, data from the "Sustaining Effects Study" should enable us to reexamine this policy.

Question 10. (a) A few weeks ago parents and representatives of parents testified before the Committee to the effect that the Office of Education was not being vigorous enough in enforcing the requirements for local parental advisory councils and that as a consequence these councils were not very effective in many school districts.

Do you agree with these statements and do you see any need to strengthen the legislation as regards the parental advisory councils?

Answer: During its annual program review of each SEA, the Office of Education includes parent advisory council activities and requires corrective action where deficiencies are identified. Securing parent attendance and participation in council meetings is often difficult, particularly in rural areas. Parent advisory councils would be more effective if the legislation were strengthened in the following ways.

1. The law should provide that sufficient funds be made available for the operation of parent advisory councils and the training of council members.

2. Authorize the U.S. Commissioner of Education to award grants for the development and implementation of model training and outreach programs for PACs.

3. Require that each Title I application, before approval, shows that the advice and views of the district PAC have been duly considered by listing the PAC's recommendations and the LEA's action on each.

4. Section 141(a)(14)(D) of P.L. 93-380 should be strengthened to require that pertinent and appropriate materials be disseminated to each PAC chairman.

Question 10. (b) Could you also tell us what O.E. policy is on the use of Title I funds for training and travel of parents?

Answer: - The Title I regulations specify that Title I funds may be authorized for the training of parent council members and volunteers in order to develop the competencies required to effectively perform their duties.

OE has issued a policy statement to the effect that the LEA is responsible for providing opportunities for the training of parent council members to carry out their functions under the law. Local workshops and conferences offer the best possibility for insuring that the training will be relevent to the needs of local council members. However, other types of training may be provided for council members with Title I funds on the basis that equally effective training cannot be readily provided at the local level. The SEA may involve Title I parent council members in conferences and workshops. Expenses incurred by council members for travel to participate in such training programs may be charged to Title I funds provided such meetings are within the scope of the LEA's approved application which must include descriptions of the training to be provided, the number of school and district council members involved, and the approximate cost of the training activities. The SEA may approve such training only if it will contribute to the effectiveness of the participants as parent council members and if it is provided at reasonable cost.

Question 11. The Title I statute requires an annual needs assessment to be conducted of the program by each local school district. During the course of our testimony this year, it has been suggested that this annual needs assessment was not really necessary because the needs of Title I children do not change that much from year to year, and that this requirement was leading to a great deal of unnecessary paper work.

Could you give us your views on whether we could change this requirement to a two-year needs assessment or even a three-year needs assessment?

Answer: - Although it is true that the special needs of Title I children will usually fall into the basic skills area from year to year, the greatest incidence and severity may shift from one basic skill area to another or from one grade level to another. Similarly, some children served during a given school year will move from the attendance area, graduate from the grade level, and/or building in which Title I services are being provided, or register sufficient gain in achievement to return to the mainstream.

It is imperative, therefore, that a needs assessment be conducted annually to assure that the appropriate instructional services are offered at the proper grade level, and to the children who are most in need of this special assistance. It is particularly important that the student selection process be implemented properly each year to replace those participants from the previous year who are no longer available or eligible to participate. Appropriate objective data may already be available in the LEA. Thus, the annual selections frequently can be made without administering a special standardized test.

The annual needs assessment process also should result in a critical review of the project design. This is necessary to assure that the needs of the identified children are being met in the most effective manner thereby enhancing project quality.

Question 12. One of the most persistent complaints the Committee receives from local school administrators has to do with the amount of paper work involved with complying with the comparability requirement under Title I. Do you believe that there is any way in which we can simplify the comparability requirement without endangering the reason for it being there?

Answer: - The revised Title I Regulations which are being fully implemented this fall have substantially simplified the comparability requirements, eliminated inequities and reduced the amount of paperwork required.

The reduction in paperwork results from the elimination of requirements for maintaining records and demonstrating the comparability of State and local expenditures for materials and supplies. Also, comparability reports no longer include the amounts of salary increments based on length of service (longevity).

In response to complaints about inequitable comparisons of schools of varying sizes, the regulations were revised to eliminate schools with enrollments of one hundred or less and to provide for the division of schools in a grade span into two groups on the basis of size. This has meant not only less paperwork for revised reports but also fewer adjustments at the local level in enrollments, staffing and salaries. Grouping schools by size of enrollment in addition to grade span has resulted in more equitable comparisons, the reduction of the number of schools for which comparability data are required and in some districts has resulted in the elimination of all comparability reports.

The data are gathered as of dates (no later than November 1) specified by the State educational agencies. They are encouraged to use the same date, if possible, for which data are gathered for State purposes. We believe that comparability requirements should continue to be based on actual conditions and that school districts should make reasonable efforts to maintain the comparability they are required to demonstrate on the basis of their October data.

The program office for Title I, the Division of Education for the Disadvantaged, has received numerous requests for guidance on implementing the requirements that services in Title I areas for handicapped children and children with limited English speaking ability be comparable to those in non-Title I areas. Such comparability (sometimes refered to as "mini comparability") must be demonstrated if the costs and staffing for those services are to be excluded from the major comparability determinations. Because of the varying patterns that school districts use to provide these services, the regular comparability procedures usually do not produce data on which "mini comparability" can be determined. We recommend, therefore, that this provision in Section 403(17) of Pub. L. 81-874 be deleted and that applicants be required to exclude their data for handicapped children's programs.

We have advised State educational agencies to encourage their LEAs to submit explanatory information concerning these programs for children with each identifiable handicap. In so doing, we recognize that some handicapped programs may be concentrated in a single facility that serves an entire school district or several school districts. In other cases, some schools have special education classrooms serving a much broader area than the regular classrooms at the same site. Under these conditions there is no way to determine the comparability of programs for the handicapped on a formal basis.